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ABSTRACT

Senators Philip A. Hart and George McGovern were major witnesses at these hearings. Miscellaneous articles, communications, and publications relevant to the Committee are included in the record. (JW)

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NUTRITION AND HUMAN NEEDS—1970

HEARINGS

BEFORE THE

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

OF THE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

NUTRITION AND HUMAN NEEDS

PART 8—REVIEW OF THE NATIONAL SCHOOL LUNCH ACT

WASHINGTON, D.C., OCTOBER 13, 1970

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THE NATIONAL SCHOOL LUNCH ACT

TUESDAY, OCTOBER 13, 1970

U.S. SENATE,
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS,
Washington, D.C.

The select committee met at 10:10 a.m., pursuant to recess, in room 1202, New Senate Office Building, Senator George M. McGovern (chairman of the select committee) presiding.

Present: Senators McGovern, Hart, Javits, Percy, and Pell.

Staff members present: Kenneth Schlossberg, staff director and Gerald S. J. Cassidy, general counsel.

OPENING STATEMENT OF HON. GEORGE McGOVERN, CHAIRMAN OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Senator McGOVERN. The Committee will be in order. This week is National School Lunch Week. I can think of no more appropriate time to review the implementation of the recently enacted reform measures of the National School Lunch Act.

Our hearings today will allow for this kind of review. Congress clearly established that the right to a free or a reduced price school lunch is one that every needy child in this Nation possesses.

Not since the passage of the original School Lunch Act in 1946 has a piece of child nutrition related legislation promised such a heavy impact in the fight to eliminate hunger and malnutrition from the classroom in America.

But the time has come to guarantee deliverance of the intent of that promise. Accordingly, I am particularly concerned that we identify the eligible children, then, and that we proceed to make adequate provision of the funds that it will take to feed those children.

The administration has estimated that there are 6.6 million eligible children, but the House Committee on Education and Labor estimates that a conservative estimate is 8.9 million children. That means that under the new law 70 percent more children will be promised the right to a free or reduced price lunch.

What must we do to guarantee that right?

The increase we are talking about will require a 230 percent increase in funds, while so far for fiscal 1971 we are appropriating only a 56 percent increase. It seems to me that a supplemental appropriation will be urgently needed, and I think we must make it clear to those school districts across the country that we intend to supply this funding so that they can now get on with carrying out the intent of Congress to feed all needy children.

Senator Hart of Michigan, who has suggested this hearing today during National School Lunch Week is a member of this committee. He has a statement he would like to make.

Senator Hart?

STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator HART. Thank you, Mr. Chairman. Clearly you have served us all well in bringing us together during the school lunch week to take a fresh look at where we are and where we will be heading.

Under your leadership as chairman of this committee, public attention was focused on the need, the case was documented, good new legislation was passed, and funding was sharply stepped up. But we are a long distance yet from achieving the objective of putting a school lunch before every youngster that needs one.

Congressman Perkins, on September 21, put the facts in the Congressional Record, and clearly, based on the questionnaire, the summary of which is contained in his statement, we can achieve our goal only with more adequate funding.

According to Congressman Perkins' figures, additional funds in the amount of $310 million will be required this fiscal year.

Let's use Michigan as an example. When we expanded and extended the school lunch program in 1962, only one out of five Michigan schoolchildren was in a school that served a lunch program.

In Detroit, the figure was less than one out of 10. Today, the Michigan Department of Education reports that business is "booming," to use their expression. Indications early in the school year are that they are adding 150 elementary schools. However, there are 3,700 elementary and secondary schools in Michigan, and of these about one-third, or 1,100, are still without any food service.

How much money will be needed in Michigan to get a lunch to every needy child? Well, between $20 million and $27 million, depending on what Detroit does. They are going to run out of money in March if additional funds are not made available before them.

Aside from additional funds, Mr. Chairman, the people in Michigan say that some schools in needy areas will need some relief in "brick and mortar" for food service. I suggest we explore the possibility that under extreme need and stringent safeguards, some money be made available for construction for food services.

Our State officials recommended consideration of removing the matching factor for equipment in these same needy areas, which are typically the ones with the poor children. We have come a good part of the way in the school lunch program, and in the next few months I would urge that our committee concentrate on finishing this particular job.

Let us make sure that we do get the additional money in supplemental appropriations. Let's clear up any remaining barriers in the way of putting food on the table.

The President's goal is our goal: At least one good meal daily for every needy school child in the Nation by Thanksgiving. That is a goal we had better reach. I don't think the people of America will consider expenditures for feeding hungry children either wasteful or inflationary.

We have to get on with the job of insuring that no child's life is limited because malnutrition dulls his brain or slows his development.

If we get to the goal, we will have something to celebrate on Thanksgiving.

Senator McGovern. Thank you very much, Senator Hart. I think your suggestions are well taken.

Our first witness this morning is a man eminently qualified to testify before this committee on the subject of school lunch needs of the Nation, Mr. Rodney Leonard, and I wish, Mr. Leonard, you would come forward now, and we will be glad to hear your testimony.

STATEMENT OF MR. RODNEY LEONARD, DIRECTOR, CHILDREN'S FOUNDATION

Mr. Leonard. Thank you, Mr. Chairman, and members of the committee.

My name is Rodney Leonard and I am a consultant on child nutrition programs to the Children's Foundation, and also editor of the Community Nutrition Institute weekly report, which is a newsletter on programs, activities, and people in the child nutrition field.

I have served as Administrator of Consumer and Marketing Service and Assistant Secretary of Marketing and Consumer Affairs in the USDA. In these positions I was responsible for the operation of the school lunch and child nutrition programs, among others.

My comments here are based on this experience and on my continuing involvement in the effort to utilize the child nutrition programs as a delivery system to eliminate the lack of food as a cause of malnutrition.

All evidence accumulating today indicates strongly that, instead of having passed through the worst part of the war on hunger, we are approaching a crisis of greater dimension than anyone can imagine.

I choose these words carefully, because I am concerned. My conclusion is based on these observations:

1. The school lunch program is not reaching enough children;
2. The school lunch program is not reaching enough children whose parents are poor;
3. The children who are being reached are not receiving adequate nutrition necessarily; and
4. Except for the steadfast support of a few individuals and this committee's resolute stance, concern over malnutrition and hunger is dissolving in public apathy.

I know of no other way to describe these conditions than as a crisis, particularly when they exist after:

1. Four years of public attention, with multiple exposure in all media;
2. Four years of congressional action to legislate new programs, and, most recently, to modernize the National School Lunch Act.
3. Four years when every appropriation request submitted by the administration has been fulfilled by the Congress.

And what has been the impact? Here are some facts developed by comparing a survey of school lunch performance for the 1969–70 school year. I am submitting a copy of each for the record.

(The material referred to follows:)

2119

WHY CHILD NUTRITION PROGRAMS FAIL

By Rodney E. Leonard

FOREWORD

This pamphlet was produced by Rodney E. Leonard under a grant from The Children's Foundation.

From 1967 to 1969, Mr. Leonard was Administrator of Consumer and Marketing Services in the United States Department of Agriculture. Prior to that, he held other posts in the Department, served as assistant to the Governor of Minnesota, and worked as a newspaper reporter.

While the views expressed in this paper are Mr. Leonard's, all of us share responsibility for the appalling situation outlined here.

Charles U. Daly
President
The Children's Foundation

Washington, D.C.
December 3, 1969

The United States is faced with an embarrassing situation: an over-abundance of food and a large segment of the population that goes hungry or is malnourished.

Two major efforts exist to cope with this problem. One consists of the family food assistance programs, such as food stamps and commodity distribution, designed to help low income families obtain more food. As others have shown, family food assistance programs are an inadequate response to the conditions of poverty in which 25 million or more Americans live today.[1]

The other major effort consists of child nutrition programs, principally school lunch. This paper examines the failure of that effort.

From the beginning, the legislation establishing these programs took note of those children whose parents are poor. When Congress wrote the National School Lunch Act of 1946 specific provision was made for these children in language which says lunches will be provided free or at reduced prices, without discrimination, to all children "who are determined by local school authorities to be unable to pay the full price."[2]

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[1]Report of the President's Commission on Income Maintenance, November 1969. See also, Hearings of the Senate Select Committee on Hunger and Malnutrition, 90th Congress, 2d session; Hunger, U.S.A., and Still Hungry in America, et. al.

[2]See Appendix I for a brief description of the legislation of all child nutrition programs.

Taking "note" apparently was not enough. For all the pious words, the inability of the school lunch program to respond to national needs recognized 24 years ago is graphically illustrated by an analysis of state efforts to provide free and reduced price lunches.[3] (See Table A.)

In 1967, several womens' organizations made a study of the school lunch program. Their Daily Bread[4] was the first comprehensive analysis of the inadequacies in this national program. It helped to galvanize congressional action, but the response still has been far short of the need.

Their Daily Bread showed that two out of three children did not participate in the National School Lunch program. Now the ratio is three out of five. The first survey found the greater the need of the child from a poor neighborhood, the less the community was able to meet it. This doleful judgment still prevails.

Today, there are 52 million children under 18 years of age in public and private schools of whom 20 million are served a school lunch on an average day.[5] About ten million attend schools with no facilities to feed children, and almost nine out of ten of these are children in elementary schools.[6]

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[3]Data taken from reports filed by states with the Senate Select Committee on Nutrition & Human Needs.

[4]Their Daily Bread, A Study of the National School Lunch Program. Committee on School Lunch Participation, New York, 1967.

[5]Food & Nutrition Service, U.S. Department of Agriculture, based on unpublished study by Agriculture Research Service.

[6]Ibid.

TABLE A School Year 1968 - 69	School Lunch										Breakfast			Guideline Policy		
	1 ADA	2 ADP	3 % 2:1	4 F/RP	5 % 4:1	6 No. AFDC Children	7 % 4:6	8 No. ESEA Children FY67	9 % 4:8		10 ADP	11 % 10:1	12 % Free Breakfast	No. School Districts	No. Plans Approved 6/30/69	No. Plans Rejected
Alabama	787,714	510,628	64	101,536	12.0	327,500	31	244,311	41.6		39,415	5.0	46	119	117	0
Alaska	46,437	24,668	53	8,120	17.0	8,187	99	6,974	11.6		633	1.4	100	29	19	0
Arizona	311,477	165,602	53	30,855	9.9	62,264	50	46,633	66.2		33,987	11.0	76	296	117	0
Arkansas	414,173	280,506	68	80,482	19.0	202,135	40	149,658	53.8		5,047	1.3	83	395	385	0
California	2,186,433	827,000	38	75,743	3.5	472,876	16	396,632	19.1		6,000	0.3	21	1,109	660	75
Colorado	498,129	222,647	44	13,973	2.0	60,026	23	45,989	30.3		5,172	1.0	6.0	181	181	0
Connecticut	460,041	191,344	42	7,548	1.6	45,085	17	39,361	19.1		18,705	4.1	96	177	188	0
Delaware	108,261	58,464	54	2,548	2.4	12,628	20	10,982	23.2		132	0.1	30	48	48	0
D. C.	130,605	36,469	28	20,542	15.7	30,320	68	22,896	89.7		8,665	6.7	100	-	-	-
Florida	1,270,412	774,369	60	81,227	6.0	243,894	33	145,719	55.8		5,052	0.5	43	67	72	0
Georgia	1,014,144	790,003	76	158,563	15.0	357,359	44	243,261	65.3		7,572	0.5	58	193	181	17
Hawaii	159,819	128,004	80	7,324	4.6	18,423	40	12,460	58.6		284	0.2	76	1	1	0
Idaho	252,369	78,735	31	2,652	1.0	24,031	11	14,902	17.7		-	-	-	117	all	0
Illinois	2,392,786	600,000	25	33,933	1.4	290,423	11	254,140	13.4		3,982	0.2	7.0	1,279	1,175	few
Indiana	1,124,711	622,014	55.3	20,665	1.8	127,923	16	88,233	23.5		31,212	2.0	81	339	all	0
Iowa	625,474	344,020	55	11,785	1.9	118,709	99	85,169	13.8		3,339	0.5	15.3	461	470	0
Kansas	391,266	253,215	65	17,305	4.4	75,287	23	49,671	34.6		405	0.1	36	335	380	5
Kentucky	638,818	477,161	74	94,000	14	263,414	35	196,465	47.8		194,930	30	21	195	190	0

1. ADA: Average Daily Attendance
2. ADP: Average Daily Participation
3. In the case of columns 3, 5, 7, 9 and 11, percentages were figured by the simple division indicated.
4. F/RP: Free and Reduced Price Lunches Daily

	School Lunch										Breakfast			Guideline Policy		
	1	2	3	4	5	6	7	8	9		10	11	12			
	ADA	ADP	% 2:1	F/RP	% 4:1	No. AFDC Children	% 4:6	No. ESEA Children FY67	% 4:8		ADP	% 10:1	% Free Breakfast	No. School Districts	No. Plans Approved 6/30/69	No. Plans Rejected
Louisiana	913,598	696,748	76	90,933	9.9	294,483	31	205,962	44.2		13,037	1.4	81	70	70	0
Maine	175,000	96,311	55	15,023	8	35,931	41	22,456	66.9		1,120	0.7	-	297	297	0
Maryland	729,995	293,158	40	15,532	2.1	93,802	16	81,246	19.1		3,454	0.5	88	24	23	0
Massachusetts	685,175	445,364	65	48,881	7	105,057	46	77,492	63.1		1,927	0.2	86	351	558	0
Michigan	1,339,829	554,528	41	27,589	2	231,004	11	167,661	16.4		3,989	0.3	62	650	532	0
Minnesota	773,871	457,550	59	18,500	2.4	135,658	13.6	102,145	18.1		2,016	0.3	25	1,244	1,244	0
Mississippi	540,000	380,573	70	79,311	14.7	320,750	25	256,196	31.0		6,435	1.2	100	149	130	50%
Missouri	1,017,412	523,787	51	41,396	4	196,430	21	144,612	28.6		1,314	0.1	78	729	all	0
Montana	161,559	57,310	35	5,497	3.4	24,602	22	16,978	32.4		815	0.5	100	730	220	0
Nebraska	266,313	142,783	54	10,037	3.8	60,088	16.7	37,346	26.9		517	0.2	37	1,571	395	0
Nevada	113,468	19,424	17	1,725	1.5	5,718	30	4,688	36.8		485	0.6	22	17	13	0
New Hampshire	139,135	71,165	51	N.A.	N.A.	12,434	N.A.	8,385	N.A.		900	1.0	16	173	all	0
New Jersey	1,266,524	248,002	19.5	25,327	2	126,334	21	108,767	23.3		4,782	0.4	97	573	321	13
New Mexico	no data supplied															
New York	2,160,000	1,413,000	45	417,500	13	489,281	85	405,584	103		4,800	0.2	98	747	974	0
North Carolina	984,946	776,198	78	155,893	15	456,019	34	334,527	46.6		10,640	1.0	79	157	157	0
North Dakota	130,046	89,097	68	N.A.	-	39,332	-	26,325	-		290	0.2	8.3	474	354	0
Ohio	1,511,727	779,635	52	56,601	3.7	257,320	22	194,251	29.1		36,549	2.4	100	640	all	0

	School Lunch										Breakfast			Guideline Policy		
	1	2	3	4	5	6	7	8	9		10	11	12			
	ADA	ADP	% 2:1	F/RP	% 4:1	No. AFDC Children	% 4:6	No. ESEA Children FY67	% 4:8		ADP	% 10:1	% Free Breakfast	No. School Districts	No. Plans Approved 6/30/69	No. Plans Rejected
Oklahoma	391,471	257,000	65.5	39,227	10	135,770	29	101,346	38.7		4,970	1.3	65	694	740	0
Oregon	430,401	191,486	44	8,033	1.5	44,075	18	33,832	23.7		646	0.1	71	356	all but	2
Pennsylvania	2,125,071	830,961	39	58,558	2.0	334,387	17	255,396	22.9		3,640	0.2	80	699	547	0
Rhode Island	107,840	41,577	38	6,484	6	24,291	26	18,883	34.3		41,577	38	72	39	32	0
South Carolina	603,387	458,865	76	142,248	23	278,491	51	208,329	68.3		5,250	0.9	81	93	92	0
South Dakota	no data supplied															
Tennessee	678,509	529,546	78	72,299	13	314,191	29	222,959	32.4		11,654	1.7	82	150	145	3
Texas	2,395,000	967,112	40	122,000	5	617,085	19	403,275	30.3		92,558	3.8	80	1,244	1,106	0
Utah	251,361	162,220	65	15,866	6.3	21,478	74	15,395	103		325	0.1	3.2	40	40	0
Vermont	85,461	40,598	47	4,200	10.3	14,723	28.6	8,945	47.2		753	0.8	24	235	248	0
Virginia	1,018,000	N.A.	41*	64,630	6.3	256,421	25	179,409	35.5		47,111	4.6	47	134	132	0
Washington	753,460	777,076	37	15,350	2	67,200	23	49,358	31.1		1,822	0.2	13.6	326	224	16
West Virginia	320,628	181,724	56	35,600	11	141,566	25	109,083	32.6		51,905	16	95	55	55	0
Wisconsin	721,329	351,095	49	10,739	15	112,011	9.6	78,593	13.6		1,859	2.6	47	459	431	0
Wyoming	80,362	35,922	44	2,065	2.0	9,273	22	6,585	31.4		744	0.9	100	161	110	0

*Estimated

There are about eight million children[7] whose families cannot afford the cost of a school meal. Three million receive a lunch free or at reduced cost. Of the remaining five million who are denied reasonable access to the lunch program, three million could be served immediately because they attend schools where the program now is operated. The remaining two million attend schools where food service is not now available.

While the Congress, both in the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, paid lip service to a moral responsibility for child nutrition, the legislation and the form of its administration are predicated on economic interests. Congress passed on the legal responsibility for child nutrition to the states and local school districts. The Executive Branch recognizes that the power center in food rests closer to the economic interests of those who can afford to produce, market, process or consume rather than with those who cannot.

As a result, the administrative structure of the child nutrition programs is a means primarily of distributing inadequate resources in such a manner as to minimize the possibility of fraud in the programs and, therefore, public censure, rather than to respond to human need. As will be shown in later sections, the needs of the food industry often dictate how the dollars are spent.

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[7] Estimates vary. The Council on Hunger and Malnutrition places the figure at 8.4 million, while other analysts estimate the number at 8.6 million. The USDA puts the figure at 6.7 million. The President's Commission on Income Maintenance estimates that two out of five persons in poverty are 18 years or under. This figure includes about 8 million school age children.

At the state and local levels, where legal authority presumably rests, the child nutrition programs are in incoherent shambles. One example of the gross mis-administration of the program by the states is the apparent diversion of millions of dollars appropriated to supply free and reduced price lunches for needy children. Under Section 25 of the Agricultural Appropriations Act of 1968, engineered by Representative Carl Perkins, an additional $45 million was authorized for this purpose. But most states apparently are using these funds to hold down the prices of regular school lunches--in effect, benefiting the middle-class youngsters and diluting a special effort to provide an adequate diet for the poor.

According to the U.S. Department of Agriculture (USDA), $32.6 million of the Perkins monies were used to provide free lunches over and above the existing program for free lunches and helped to raise the number of children receiving them to just over three million. This represents an increase of only about 400,000 above the figure for the 1967-68 fiscal year. Perkins funds were intended to boost the number of free and reduced price lunches closer to four million on the average day, or at least a million more children than in the previous school year.

Questionnaires[8] sent to the state school lunch directors in the summer of 1969 by the Senate Select Committee on Nutrition and Human Needs (the McGovern Committee) show that almost $27.7 million were spent for free lunches through state administered programs during the period 1968-69. These funds were utilized at a rate which for

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[8] All except two states, New Mexico and South Dakota, filed reports with the McGovern Committee, which were unpublished at the time this paper was written.

at least the last three months of the school year could have provided over a million additional free lunches a day.

An analysis of the data indicates that an estimated 54 per cent of this money was diverted to other school lunch purposes, and did not find its way to children who need a free or reduced price lunch.

A third of the states were able to translate fully the Perkins money into additional free or reduced price lunches for needy children. Eight states spent the additional funds with no measureable results. (See Table B.)

Clearly, states and local school districts substituted Perkins money to pay for lunches which before had been provided free or at reduced prices from other federal sources or from state and local funds. In some southern states, where funds under the Elementary and Secondary Education Act (ESEA) had been cut off to encourage faster school desegregation, the Perkins money was used to make up the difference where ESEA funds had been earmarked for school feeding. [In the 1966-67 school year, more than $30 million of ESEA funds were used for school lunches.][9]

Local school districts, in the absence of strong state and federal supervision, will rationalize the use of the Perkins funds to meet rising program costs, contrary to congressional intent and executive instruction. It is revealing that the spokesmen for state school lunch directors advocated this position before the Appropriation Committees two years ago.

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[9]Statistical Report, Fiscal Year 1967, Title I/Year II, Elementary and Secondary Education Act of 1965. U.S. Department of Health, Education & Welfare.

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TABLE B

PERKINS FUND USED FOR FREE/REDUCED PRICE LUNCHES

	Amount Spent	Possible No. of Lunches Served Daily*	Actual No. Additional Served Daily	No. of Lunches Converted Daily	Percent Funds Diverted
Alabama	$2,551,917	73,000	12,000	61,000	83.6
Alaska	16,527				100
District of Columbia	26,022				100
Arizona	361,221	9,000	10,000+	-0-	-0-
Arkansas	538,469	26,900	30,000+	-0-	-0-
California	1,672,721	83,700	6,800	76,900	91.8
Colorado	238,106	7,900	3,700	4,200	53
Connecticut	147,822	7,400	7,100	300+	Not Significant
Delaware	12,462				100
Florida	2,014,441	57,600	600	57,000	98
Georgia	2,132,141	71,000	34,000	37,000	52
Hawaii	73,975	2,100	5,000	-0-	-0-
Illinois	942,657	37,700	14,900	22,800	60.5
Indiana	372,972	18,600	10,700	7,900	42.5
Iowa	250,259	12,500	8,100	4,400	35

*Assumes 25 cents per day per lunch State Reimbursement

PERKINS FUND
Page Two

	Amount Spent	Possible No. of Lunches Served Daily	Actual No Additional Served Daily	No. of Lunches Converted Daily	Percent Funds Diverted
Kansas	$150,760	5,025	8,000	-0-	-0-
Kentucky	900,000	31,000	-0-	31,000	100
Louisiana	461,191	18,400	20,000	-0-	-0-
Maine	175,000	7,000	7,200	-0-	-0-
Maryland	329,761	16,500	12,300	4,200	25
Massachusetts	665,279	33,260	33,800±	-0-	-0-
Michigan	714,261	23,800	-700	23,800	100
Minnesota	529,851	21,200	17,600	3,600	17
Mississippi	822,032	27,400	33,000	-0-	-0-
Missouri	693,276	23,100	16,350	6,750	29
Montana	-0-	-0-	-0-	-0-	
Nebraska	202,071	6,700	6,400	300	Not Sigificant
Nevada					Not Sigificant
New Hampshire	Data Inadequate				
New Jersey	489,475	16,300	21,300	-0-	-0-
New Mexico	No Data				

	Amount Spent	Possible No. of Lunches Served Daily	Actual No. Additional Served Daily	No. of Lunches Converted Daily	Percent Funds Diverted
North Carolina	$2,203,907				100
New York	1,516,451	75,800	0-40,000	0-35,000	45-100
North Dakota	125,389	8,360	4,980	3,380	40
Ohio	641,575	18,350	18,350‡	-0-	-0-
Oklahoma	792,912	26,400	21,600	4,800	18
Oregon	158,300	6,300	5,100	1,200	19
Pennsylvania	371,237	14,800	-0-	14,800	100
Rhode Island	101,004	3,360	1,860	1,500	45
South Carolina	1,112,379	31,800	18,300	13,500	42
Tennessee	1,615,000	46,000	11,200	34,800	75.6
Texas	2,312,902	92,500	13,500	79,000	86
Utah	264,997	8,300	-0-	8,300	100
Vermont	53,825	2,700	2,700	-0-	-0-
Virginia	No Data Available				
Washington	212,845	8,500	8,600	-0-	-0-
West Virginia	401,606	11,400	11,400	-0-	-0-

PERKINS FUND
Page Four

	Amount Spent 1/	Possible No. of Lunches Served Daily 2/	Actual No. Additional Served Daily	No. of Lunches Converted Daily	Percent Funds Diverted
Wisconsin	$258,387	8,500	4,000	4,500	53
Wyoming	41,924	1,400	1,400	-0-	-0-
South Dakota	No Data				
	27,691,035	1,006,155	460,225	545,930	54.3

1/ Data taken from reports submitted to U.S. Senate Select Committee on Nutrition and Human Needs (McGovern committee).

2/ See Appendix II for formula used to develop analysis.

While the Perkins funds provided some increase in the number of free and reduced price lunches during the 1968-69 school year, most of the more densely populated states provided free and reduced price lunches to fewer than four per cent of the children attending school. More than 15 per cent should be eligible nationally. Only New York comes close with 13 per cent.

The less urban states, other than those in the southeastern region, show no better performance. Most do not exceed five per cent.

The southeastern states, excluding Virginia, provide at least nine per cent of school children with free or reduced price lunches. Many exceed 15 per cent, with South Carolina topping the list with 23 per cent.[10]

The present gap in reaching children most in need of good nutrition can be seen clearly by comparing the number of free or reduced price lunches to the number of children in families on welfare. This comparison in no way implies that all free or reduced price lunches go to these children, or that they are the only ones who need such assistance.

Only five states and the District of Columbia provided free or reduced price lunches at a rate equal to more than half the number of children in families on welfare. Alaska tops the list at 99 per cent. Two states, Wisconsin and Iowa, did not exceed ten per cent,

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[10]The need is greater in this region than elsewhere. The response of South Carolina, when viewed in relation to the number of children in families on welfare, is only slightly better than Massachusetts, although the latter state provides only seven per cent of its lunches free or at reduced prices.

and Illinois, Michigan and Idaho had 11 per cent rates. The rest, for the most part, huddled together at rates of between 20 and 40 per cent.[11]

Another measure of the overall performance by states is the comparison of the number of free lunches served on a daily basis with the number of children cited by states under Title I of the Elementary and Secondary Education Act as needing special assistance.

Only three states--New York, Alaska and Utah--claimed to serve more free lunches than the number of Title I children. Of the others, only the District of Columbia exceeded 70 per cent, and the rest of the States ranged from 13 per cent in Illinois to 68 per cent in South Carolina.

Urban states, as a rule, did much worse than their less urban neighbors. The urban states, for example, generally provided free lunches to an equivalent of no more than 30 per cent of the Title I children. The less urban states, however, are generally above 30 per cent.

The extent of the child nutrition gap is best illustrated by another comparative statistic. More than seven out of ten states did not provide free lunches to the equivalent of half of the children used to justify the amount of Title I money the states receive.[12]

The situation regarding free and reduced price lunches--and the Perkins monies in particular--is only the most glaring example of how the needy child is short-changed. The school breakfast program, which began its fourth season in 1969, is another.

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[11]Table A, page 3.

[12]Table A, page 3. Of the 48 states responding to the questionnaire, 46 provided sufficient data to make this analysis, and 35 were below the 50 per cent mark.

Authorized by the Child Nutrition Act of 1966, the school breakfast program served an average of 300,000 children each day.

In 36 states, participation in the breakfast program was less than 1.5 per cent of the children attending school.[13] In 24 states, participation was less than half of one per cent. In only four states did participation exceed 10 per cent of students in daily attendance.

Two of the four states are in Appalachia--Kentucky, where 30 per cent of the school children were served breakfast, and West Virginia, where 16 per cent of the students ate breakfast at school. The third is Arizona, where 11 per cent of students used the program. The fourth is Rhode Island, where 38 per cent of the school children were served breakfast, even though only eight per cent of the schools equipped to serve meals are in the program. If states representing three geographical regions with such diverse social and economic characteristics can achieve a level of performance in the breakfast program distinctly superior to other states, obviously the program can work on a national rather than a state or regional basis.

It is worth noting that in all four states which appear to be moving the program along, the percentage of schools which serve breakfasts is less than the percentage of students who eat them. A reasonable conclusion is that the program is being offered in schools where the need is great and where the response more than justifies the program.

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[13] Table A, page 3.

One argument in defense of the state performance with the breakfast program is a claim that Congress is stingy. Last year $3.5 million was appropriated for breakfasts, hardly a magnificent sum. Yet, with freedom to direct the $45 million Perkins fund, the states choose to put only $2 million more into breakfasts. Since each state receives a proportionate share of breakfast funds, and each state had the same degree of choice with the Perkins money, the variable factor appears to be the degree of state and local concern.

The other major new child nutrition program is the Vanik Program, or Section 13 of the National School Lunch Act, enacted in May 1968. It authorized for the first time federal support for meal service--breakfast and/or lunch--in children's activities outside the school. But the tardiness of the Congress in allowing child feeding to follow the child appears to be carrying over into the administration of this program.

While the Congress appropriated $10 million for the Vanik Program in fiscal year 1969, the USDA's records show that only $3.4 million was spent. In hearings in March 1969 before the House Appropriations Subcommittee on Agriculture, the Department requested $20 million for fiscal year 1970. The $10 million increase was needed because "From reports we have of the interest expressed in the program, (we) feel there is a great need."[14]

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[14]Hearings, Department of Agriculture Appropriations for 1970, Part 5, House of Representatives, Ninety-First Congress, First session.

Shortly after this statement, the USDA revised its budget, and, in April, proposed cutting $10 million from this program. However, the Department recommended increasing funds to "insure the availability of milk to summer camps, child care centers and schools that do not have food service programs."[15]

This shifting of fiscal gears has all the hallmarks of paring a budget to fit both the dictates of the Bureau of the Budget and the dairy interests. It helps to understand priorities when a program to provide a complete meal for children is slashed in favor of one which provides only milk.

Even a brief review of actual experience in the states indicates the Vanik program did not start late, as some claim.[16] It just did not start. Nearly two out of five states did not reply to the McGovern Committee's request for data on this aspect of the child nutrition program. Many of these states are prohibited from administering programs outside the school system. Of those states which did report on the Vanik program, the records show that of more than $2.9 million allocated by the Department, over $750,000 was returned unspent. While there are no data available, the fact the USDA spent less than $1 million to establish non-school feeding projects in states where it administers the program directly suggest the states may simply reflect the Department's own lack of enthusiasm.

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[15] Ibid.

[16] See Table A, page 3.

There are now only 15 projects under the Vanik Program in California, 50 in New York, 5 in New Jersey and 53 in Illinois. However, rather than make the effort to strengthen the program, the decision apparently was made to use its state of anemia as an excuse to reduce the proposed budget by the $10 million.

When one turns from the special programs to the school lunch program as a whole, the situation is equally abysmal. Among states considered urban--those with a population density significantly above average--the majority do not provide any lunch service in even half of their elementary schools. New Jersey and Pennsylvania, for example, maintain lunch programs in only one-third of their elementary schools.

Where lunch service is available, participation by elementary school students in urban states rarely is greater than 50 per cent. Of 13 urban states and the District of Columbia, only three report participation higher than 50 per cent, and only two as high as 65 per cent.

Among the less densely populated states, by contrast, the number of elementary schools serving lunch rarely drops below 50 per cent. Most range between 60 and 80 per cent, with the higher percentages more common. Participation in these programs also is the reverse of the experience in urban states. Most less densely populated states report participation rates exceeding 60 per cent, and several serve lunches to 80 to 90 per cent of elementary students.

In secondary schools, availability of food service is uniformly better in all states. Few drop below the 80 per cent level.

However, the programs in the more densely populated states rarely serve more than 40 per cent of students in attendance on a given day, while the less urban states report half or more of the secondary students are participating.

When the data for all school children are analyzed, program deficiencies are even more depressing. Urban states are distinguished for their poor performance--New Jersey, for example, serves less than 20 per cent of its school children. The less urban states appear to be better; most reach 50 per cent or more and several attain a rate above 70 per cent.[17]

In the 57 cities with more than 250,000 population the school lunch program is even more pointedly not doing an adequate job. The situation underscores the absence of a national program, and emphasizes the lack of state programs. (See Table C.)

With an average daily attendance reported in fiscal 1969 at nearly seven million children in schools of the 57 largest cities, only 2.2 million eat lunch in school, or slightly over a third of those attending on an average school day. About one in six children attend schools where food service is not available.

While the 57 largest cities account for about 13 per cent of all school children, they account for only eight per cent of average daily participation. While 10 per cent of the nation's school children are without food service, nearly 16 per cent of the children in the 57 largest cities suffer this indignity. Proportionally more children from low income homes attend these schools.

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[17]See Table A, page 3.

TABLE C

SCHOOL CHILDREN IN URBAN CITIES (1968-69) *

		With Food Service				Without Food Service				
		1	2	3	4	5	6	7	8	9
CITY	ADA	No. of Schools	ADA	ADP	Percent ADP(3)/ ADP(2)	No. of Schools	ADA	Percent (6) City ADA	ADA of low-income Schools	Percent ADA(8)/ ADA(6) low-income
Akron, Ohio[1]	58,024	44	40,620	22,992	56.8	26	17,404	30	8,811	50.6
Chicago	572,461	307	405,749	82,127	20	239	166,712	29	50,720	30.4
Cincinnati, Ohio[2]	78,558	96	77,372	37,038	47.8	4	1,180		604	
Cleveland[2]	141,682	77	81,557	40,220	49.2	102	60,125	43	35,791	58.7
Columbus, Ohio[2]	91,619	67	46,693	31,797	68	101	44,926	49	14,654	33
Dayton, Ohio[2]	58,380	23	23,361	13,892	59.8	66	35,019	60	14,729	43
Detroit	292,097	164	200,896	60,020	29.8	149	31,201	31	53,414	58.6
Indianapolis[1]	93,764	77	66,680	35,557	53	54	27,084	29	19,587	72
Milwaukee	120,154	132	104,143	38,102	36.6	24	16,011	13	2,111	13
Minneapolis	69,361	40	39,316	19,697	50	55	30,045	43	4,638	15
Omaha	53,258	74	47,389	26,864	56.8	22	5,869	11	390	
St. Louis[4]	82,578	134	50,670	12,538	24.7	21	7,566	9	115	

*Urban Lunch Study, School Lunch Division, Consumer and Marketing Service, April 1969.

		With Food Service				Without Food Service				
		1	2	3	4	5	6	7	8	9
CITY	ADA	No. of Schools	ADA	ADP	Percent ADP(3)/ ADP(2)	No. of Schools	ADA	Percent (6) City ADA	ADA of low-income Schools	Percent ADA(8)/ ADA(6) low-income
St. Paul, Minn.	39,825	49	30,578	17,937	58.6	32	9,247	22		
Toledo[2]	61,475	25	21,546	8,465	39.8	49	39,929	65	12,609	32
Dallas	147,650	172	147,650	56,187	39.7					
Houston	232,959	228	232,959	23,124	9.9					
Wichita[2]	64,817	39	35,720	27,759	79.8	74	29,097	44.8	7,297	25
Los Angeles[3]	553,863	489	510,978	182,714	35.8	72	42,885	7.8	17,751	41.8
Salt Lake City[2]	34,211	19	21,388	13,651	63.8	26	12,623	37	2,177	17
Baltimore	176,700	111	117,643	26,440	22.4	99	59,057	33.5	17,555	29.6
Boston[2]	80,491	74	41,579	20,053	48.3	172	38,912	48.4	4,802	12
Buffalo	68,203	39	36,000	13,500	38	58	32,203	47.2	20,200	62.7
Dist. of Columbia	132,468	167	126,914	33,652	25	17	5,554	4		
Jersey City	36,463	8	11,781	2,510	21	27	24,682	68	15,472	62.6
Newark	60,465	58	47,425	18,846	40	20	13,040	23	3,745	20

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		With Food Service				Without Food Service				
CITY	ADA	1 No. of Schools	2 ADA	3 ADP	4 Percent ADP(3)/ ADP(2)	5 No. of Schools	6 ADA	7 Percent (6) City ADA	8 ADA of low-income Schools	9 Percent ADA(8)/ ADA(6) low-income
New York	968,000	921	935,000	373,000	38.5	37	33,000	0.3		
Philadelphia[2]	287,297	143	138,577	12,586	9.1	127	148,702	52	(116)NA	(91% of Schools
Pittsburgh	74,882	29	35,489	9,520	27	85	39,396	53	17,346	23
Rochester	41,000		18,200	4,600	25.3	41	22,800	56	11,870	52
All Urban	6,912,185	6,741	5,828,922	2,265,084	38.8	1,883	4,083,263	15.7	325,592	30

1. All Non-NSLP Lunch Program
2. Both NSLP and Non-NSLP
3. Mostly Non-NSLP
4. Lists only NSLP School

Individual cities vary, but cities in the Northeast and Midwest--which account for 90 per cent of all urban schools and 94 per cent of all ghetto schools without food service--are the most inadequate.

Baltimore: Food service is denied to nearly 60,000 children, or nearly 34 per cent of the school population. Where lunches are served, only one in five children participate.

Boston: Over 40,000 children, or one out of two, attend school where food service is not available. Of those who can get lunch, only half do.

Buffalo: Almost half--32,000--of the children attend schools without lunch service and two out of three are students from lower income areas of the city. Only one of three of those who have lunch service make use of it.

Jersey City: Of the city's 35 schools, 27 do not provide food service. Nearly 25,000 children, or 68 per cent of the children attending school, are denied lunch. Two out of three of those children live in low income neighborhoods.

Chicago: Some 400,000 of the 572,000 children in school have access to food service, but only 82,000 receive meals on the average day. Over 50,000 children attend 42 ghetto schools where food service is not available.

Detroit: Over 292,000 are enrolled in the school system, but 91,000 attend schools--including 58,000 from 70 ghetto schools--where they are denied food services. Of the 200,000 in schools with food service, only 60,000 are served lunch on the average day.

Of the large cities in the Northeast, six operate school systems where nearly half or more of the children are denied food service. The most unenviable record among states is undoubtedly the large city performance in Ohio. Of the state's six large cities, two deny food service to 60 per cent or more of the children in school, two exclude between 40 to 50 per cent and one withholds food service from 30 per cent of the children in attendance.

As the state-by-state and city-by-city discrepancies must indicate, one key to this chaotic situation is in the administration of the program by the states and the individuals at the state level who bear that responsibility.

Child feeding programs are assigned to state educational agencies, and are run by individuals who, by and large, tend to be concerned with their status in an educational hierarchy.[18] Many sense the lack of a

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[18] In 1957, E. Allen Bateman, former Commission of Public Instruction for the State of Utah, said, "As an uninvited guest at the educational banquet, school food service has successfully run the gamut of neglect, of scorn, of fear, of anger, and has now entered the approved portals which entitle it to a chair at the education board." The message apparently hasn't filtered through to most state school lunch personnel.

In the fall of 1969, a director from a large state said, referring to the USDA role in child nutrition, "I think the (school lunch) program would do much better if it were in education rather than agriculture."

A director of a midwestern state's program said in a recent interview, referring to his lack of professional educational credentials, "You know, around here we are looked upon as sort of a second class citizen."

background in education puts them at a disadvantage. If their attitude is a reflection of the professional educator's view of child nutrition, then the right "union card" is more important than program goals, whether it is to provide nutrition or educational nourishment.

This sensitivity among school food service directors cannot be ignored, particularly when they occupy the key position in the child nutrition program complex. By legislative design, administrative practice, bureaucratic intent and program structure, they can make the decision which determines which children are fed. The state director, particularly with more federal funds arriving in the form of block grants, can spend or withhold program money as he or she determines.

There is no national model which all the states follow. At least eight states operate the school lunch program without legislative authority, and rely on general authority of the state to accept or reject cash or other forms of federal largess. Of the states which consider the nutritional health of children important enough to specify their concern in legislation, many simply authorize school boards to establish lunch programs. Others spell out in more detail how the program shall be operated. Less than a dozen appropriate state funds to finance lunches. Most appropriate only the minimal amount necessary to administer the programs. In current practice, this is just enough to maintain the records to file claims to obtain federal assistance. Few states operate with more than an accounting staff. Even the best, those with regional program supervisors, do little more than maintain watch over the technical aspects of food preparation. In other words, no one is evaluating need or monitoring inequities--intentional or

otherwise--in the programs.

The federal government, if it recognizes the problem, has done little about it. The USDA, until 1968, held only regional meetings with state directors during the summer months. These dealt primarily with procedure: how to fill out the forms which good program accounting required. In the U.S. Department of Health, Education and Welfare, school lunch has about the same status as school maintenance. When the amount of ESEA funds going to school food service became too large to ignore, the Office of Education sent out a memorandum in 1968 telling the states to cut back on food service use of the monies.

Thus, there is every reason, except one, to concede that the state school lunch director is trapped, unable to apply the potential power of his position to improving child nutrition programs in his state. That one exception is the very significant difference which vigorous leadership has made in certain states. Again, the difference shows up in the Southeast. Under every standard of program accomplishment, these states--excluding Virginia--are grouped at the head of the list. They do significantly better in percentage of schools offering food service; of students in school who participate in the program, whether elementary or secondary schools; of students attending school who receive free or reduced price lunches; of free or reduced price lunches served in comparison to the number of children from welfare families.

The performance of the Southeastern states has been questioned. For example,"These are states with a more rural population and fewer urban areas." Yet, among the eight cities in the Southeast with more

than 250,000 population, practically all children have access to food service, and more than 55 per cent of those attending school on a given day are served lunch.[19] The average for the other urban areas is about one-third. For example,"The number of children from families on welfare is not a fair comparison particularly since the Southeast operates to keep welfare services from the people while Northern urban states try to make the welfare program reach those who need it."

The real question, however, is if New York can serve free lunches to the equivalent of 85 per cent of the children from welfare families, why does Michigan serve only 11 per cent, or California only 16 per cent?

If Mississippi can serve 25 per cent, why does Iowa reach less than 10 per cent? If Kentucky serves better than 35 per cent, why does Minnesota do less than 14 per cent? If Tennessee reaches 29 per cent, why does Texas do no better than 19 per cent?

Part of the answer is money. The Southeastern states have been willing to finance lunch programs with a considerable amount of ESEA funds, as pointed out earlier. In fiscal 1969, an estimated $30 million in ESEA money went for school food service, with two-thirds of it spent in the Southeast. In addition, because the Perkins money is allocated under a formula which gives proportionately more to states with greater low income population, the Southeast has benefited more.

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[19]Urban Lunch Study, School Lunch Division, Consumer and Marketing Service, USDA, April 1969.

But money is only part of the answer. Attitude is another. An educational system willing to use ESEA funds for child feeding is implicitly giving more status to nutrition than a state which does not. In addition, state directors in the Southeast, by creating a regional approach to child nutrition, have developed a system to provide alternative solutions to problems and to give status to themselves on an area basis. These directors have created a peer group, not limited by state boundaries, and they meet at least once, and usually several times a year. The meetings are workshops where states share common problems and benefit from a broad range of experiences in the attempts made to solve them. More importantly, over a period of time, the regional conferences have helped state directors to focus on their basic function: planning the delivery of services to the child.

In many other states, the director and staff, when they are not updating reports, tend to perform as nutritional specialists. But the nutritional function should be placed elsewhere, preferably closer to the actual delivery of food service in the community.[20] State directors should be concerned primarily with the delivery system since no one else performs that task.

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[20]In Atlanta, for example, six specialists, described as food service coordinators, were brought into the city school system in 1964. All children now have access to food service. Daily participation has increased from 46 per cent to over 70 per cent in the 1968-69 school year--a figure exceeded among the large cities only by Honolulu. The number of free lunches served daily has grown from 5,500 to more than 15,000. If each city had achieved the same rate of growth, let alone the same ratio of participation, the child feeding problem in the United States would be significantly different today than it is.

As a result of the lack of direction most directors give the program, few states have the capability to assist large urban areas even where the effort is wanted. Where the state director recognizes the problem, there is not enough staff, nor is there an adequate body of research on which to develop an urban child nutrition project.

But many state directors appear to be unable to recognize the problem faced by the cities. Cities which wrestle with a host of urban problems, thus, will not find help at a state agency which dogmatically insists that the school food service program, as it presently is being operated, will provide them with the best solution. It has failed to solve their problem for the past 24 years.

The majority of state directors will say they like to "think of the school food service program as being used and thought of as another classroom. . ."[21] and few see any place "in our educational food service program" for other means of delivering food. In a much more direct fashion, the director of food service programs in an Eastern urban state maintains, "Schools under efficient management can give the best service at lowest cost." He believes, "The cafeteria is a laboratory where the student puts into practice the nutritional facts he has learned in the classroom."[22]

Other than the fact that nutrition education is noticeable to most children and their parents only by its total absence from school, the tragedy of this position is that it makes the form of food

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[21] Select Committee, op. cit.

[22] Ibid.

delivery more important than the act of delivery. It implies that hungry children will be morally stronger knowing that food is being denied until the means of delivery can serve an "educational purpose."

Nutrition education cannot begin in the absence of food. Obviously, no person given the choice between feeding a hungry child or denying him food will choose the latter. The issue, however, is seldom presented in these terms.

If the state director seems to perform with a lack of purpose, it may only be a reflection of the machinations of the federal civil service, the bureaucratic structure which operates public programs.

The federal bureaucracy is an engine of continuity. Because of this fact, it is more responsive to its own internal dynamics and to institutions with occupants of a more continuing nature--such as the congressional committees--than it is to the Presidency. The Food and Nutrition Service, the latest structure within USDA for administering the child nutrition programs at the federal level, demonstrates these two characteristics and the negative impact they have on performance, just as its predecessors, did. This negative impact includes:

1) The program forms and procedures which the agency uses are more important to providing the Appropriation Committees with a mechanical accounting than to informing the Congress whether the health and well-being of children are being protected.

This situation is not altogether surprising. The Congress has restrained its official interest in social programs generally to

authorizing machinery to deal with them and directs its continuing interest to a review of how the money is spent. Rarely does the Congress balance the social books.

The report of the hearings before the House Appropriations Subcommittee[23] on the agency's funding requests for fiscal 1970 is a realistic example. The report contains repeated references to how much money was spent for food assistance, the way it was spent, the measures taken to insure it was spent without fraud and the willingness of the committee to appropriate it. No question was raised to determine if the funds were adequate, or whether the programs were reaching all the individuals who needed help, or how many individuals were in need of assistance.

The Congress is expected to protect the citizen from misuse or waste of his tax dollar, but that is the procedure of governing and not the end purpose of government. Yet, so long as the Congress asks questions of the administrative agencies related only to this limited purpose, then the administrative agencies will respond only to those questions.

Thus, the information gathering channels of the child feeding programs are designed primarily for bookkeeping purposes and less for program development, more for managing dollars than services. Reports show only how many lunches are served each day. A school district, a state or the federal government can only estimate the number of

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[23] Hearings, Department of Agriculture Appropriations for 1970, Part 5. House of Representatives, Ninety-first Congress, First Session.

children who participate. Similarly, all the administrative levels only can estimate the number of children who need free or reduced price lunches. The data available only record how many lunches were submitted by states on claims to the federal government for reimbursement, and does not tell how many need a free lunch.

2) Program resources are not fully subject to agency control. Political decisions which always enter into consideration of how federal funds are going to be used do not reflect the program's mission in all cases.

For example, more than ten per cent of the federal resources devoted to child nutrition are in the form of commodities purchased with Section 32 funds.[24] Section 32 authorizes the Secretary of Agriculture to spend up to 30 per cent of U.S. customs receipts on farm commodities and authorizes their use by, among others, needy individuals and schools. The decision to purchase these commodities is made initially by specialists in the commodity divisions of Consumer and Marketing Service (C&MS) of USDA. These specialists prepare official allocation proposals, called "dockets," recommending that Section 32 funds available under the budget be spent to purchase various categories of commodities. The dockets reflect a bureaucratic decision. The actual policy decision on each docket proposal is made by the Commodity Credit Corporation which rejects the recommendation of the specialists only on occasion.

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[24] See Table D, page 42.

The needs of the child nutrition program rarely enter into the docket considerations. Where they do, it usually is to reassure those making the purchase decision that the child feeding outlets can use the food products which may be purchased.

Significantly, when the food assistance programs were transferred in 1969 from C&MS to the new Food and Nutrition Service, authority over Section 32 was kept in the commodity division of C&MS. Obviously, in the struggle to establish priorities, the human nutrition advocates failed to convince the Secretary that the person in need of food should be given equal recognition to producing groups and processing industries.

3) Program management is weak and program direction is unaggressive at the agency level.

a) In describing how the program operates, the agency told its House Appropriations Subcommittee in 1969 that "We provide national criteria which are then applied by the state school people. . . . We lay down the general rules and . . . . Under those general criteria each individual situation is reviewed by the state agency and we in turn consult with them and review their operation.[25]

As one Congressman observed, it is really a situation where the states themselves set up the criteria. The consequences of this concept of program direction can be seen in the spectacular failure of the agency to insure the translation of the Perkins fund into

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[25]Hearings, Department of Agriculture Appropriations for 1970, Part 5. House of Representatives, 91st Congress, 1st Session.

additional free and reduced price lunches.[26]

b) Program management suffers from a lack of clear administrative policy. For example, there is no official definition of a reduced price lunch. For accounting purposes, any lunch served at a price ten cents below the prevailing level in the school district can be considered a reduced price lunch. However, every school in the district must follow the same pricing policy.

This is an administrative convenience and not a policy. It permits a 25 cent lunch in one district to be considered as reduced in price even though an adjacent district charges no more than 25 cents for any lunch served. In the latter situation, a reduced price meal has to be 15 cents.

An example of the problems caused by such vague administrative policy arose in 1969 in Baltimore. A citizen action group offered to underwrite the cost of lunches in several low-income schools. Mothers of the children, however, wanted to pay something for the meals, if only a nickel. But a nickel is far below the administrative definition of a reduced price lunch in Baltimore. The school administration refused to allow reduced price lunch programs because it could not afford to extend the program to all schools and, thus, could not allow it to be used in a limited number of schools.

Obviously, if the standard for a reduced price lunch were set at a low level and applied throughout the school food service program, anything at or below that level would qualify for federal assistance,

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[26]See Table B, page 9.

the program would operate more efficiently.

Another example of vague program policy is the definition of nutritional standards for meals served under the program. The Type A lunch--a meal which provides a third to a half of the daily nutritional needs of the child--is defined by regulation in terms of food groups rather than nutritional minimums.[27] This technique is effective for schools or school districts without staff nutritionists. However, it is inflexible and discourages schools with nutritionists or food companies from experimenting with menu patterns which do not meet present Type A standards, but may be more acceptable to children and just as nutritious.

c) The agency has inadequate procedures for maintaining budgetary control.

Other than the block grant concepts under the Perkins fund program, the money for child nutrition programs is apportioned among the states through a multiple budget allocation procedure. Each program--breakfast, lunch, Section 11, Vanik, etc.--has its own budget account and each state receives its proportionate share.

This "multiple allocation" procedure has certain advantages, the principal one being that it assures the funds intended for specific purposes will not be diverted to other programs. The technique also inevitably reduces the capacity of the agency to obtain maximum service from available dollars. And, it provides no means whatever to detect when programs operating under a block grant begin to drift from their

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[27]See Appendix I.

intended purpose. It also is inadequate because it will not stretch to meet the different needs of the different states. While an urban state may need a greater proportion of its funds for equipment and facilities, another may need more in free lunches. Another may put greater emphasis on breakfast or on food service outside the school. Under these circumstances, a mad rush begins to develop toward the end of each fiscal year as each state, unable to use certain categories of funds, informs the USDA of its intent to return funds from some of the individual program accounts. At the same time, the states either volunteer or are asked how much more they need or could use in other program categories, and the funds which are returned are then re-allocated to the states by the USDA. This frantic juggling means either the loss of services where money is not spent, or poorly performed services because money is spent with inadequate planning and foresight.

The block grant approach, originating in the child nutrition programs with the Perkins fund monies, is an invitation to public disenchantment in the absence of more sophisticated administrative procedures than those now existing for multiple allocations.

The diversions reported earlier in the Perkins funds are not the only example of the problem of sending out federal resources accompanied by nothing more than good intentions. The experience with federal guidelines for free and reduced price lunches parallels the fate of funds to finance them.

The guidelines resulted from pleas from state school lunch directors who said, in effect, "we want you to tell us to feed the needy children because then we can tell local school boards we must

because the federal government requires us to."

The guidelines were published in October 1968 and required each school district to file a plan with the state by the start of the 1969-70 school year. The plan must describe the standards the district will use to certify a child as eligible for a free lunch. It also must describe who is to do the certifying, and how parents will be informed that free lunches are available.

Judging from the results of the McGovern Committee questionnaire,[28] fewer than a dozen states have made a serious effort to review the district plans. Others have been willing to accept district plans which provide no specific information that local community groups could use to encourage greater participation in the school feeding program. Even more discouraging, no state is capable at this time of providing specific assurances that the guidelines are being followed in local school districts. No state has adequate staffing to conduct field audits. The federal agency's monitoring effort is even more haphazard. It sends regional staff to review district plans on file in the state offices.

Hence, no one can describe the current status of the effort to establish guidelines for free and reduced price lunches in every school district because no one at the federal or state level knows. Yet, the guideline enforcement policy calls for the withdrawal of all federal funds for child feeding where the guidelines are not being carried out. Under the circumstances, the only conclusion is that

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[28] See Table A, page 3.

this effort to apply innovative program direction through the imposition of the guidelines is meaningless.

4) The agency is unable to plan major programs of social dimension, or to sustain an environment for creative and innovative program management.

Structurally, the agency is geared to reporting data which are relevant to an economic budget and to provide the kind of program supervision which insures each dollar is being spent properly from an accounting sense. There is no policy and planning section where program strengths and weaknesses can be analyzed in relation to public needs for program services. Where many other federal agencies have recognized the need to separate the administrative line function from the planning staff operation, the food assistance programs largely have been devoid of this essential dicotomy.

The administrative structure in the food and nutrition programs is the same today as it was when the decade began, a time when all food assistance programs were operated by fewer than 300 persons. Today, the agency has experienced a nearly seven-fold increase in personnel, and the child nutrition programs alone employ more people than all programs did in 1961. The agency, however, operates on a highly personal basis, much as it did when decisions on all aspects of program activities down to the regional level were made by fewer than a dozen persons.

Consumer and Marketing Services has always geared its administrative data gathering to produce information on finances, a logical response to a program which is expected by the Congress or

the Executive to dispose of a minimum of cash and a maximum of commodities. Criticism and the inevitable crisis within the agency which follows is expected to result from fraud or other instances of the misuse of the federal dollar.

The expansion of the program from 1961 on signaled a basic change. It was the beginning of new priorities, or the shift, however slow and muted, from a program to distribute the excesses of a very productive agriculture to the distribution of public services--in this case, food or nutrition. The crisis to be anticipated thereafter would come from failure to deliver services, more than the failure to dispose of federal resources honestly. It was a crisis arising from public clamour. But, without the separation of planning and administrative functions, with the same highly personal structure, and without a strong impetus from the Congress or the Executive, the agency still is unable to respond to the change.

After the Administration's efforts to bring the Department of Defense under civilian control in the late 1960's, program planning and budgeting (PPB)--the technique used for this purpose--was imposed on civilian agencies. As originally conceived, PPB was to provide the top policy officials in each Department and, through them, the Bureau of the Budget and the President with a clear set of alternatives in the allocation of federal resources among competing national goals.

No one apparently questioned whether national priorities can be created merely by churning together a sufficiently large volume of data, or whether the value judgments used in selecting that data should reflect priorities which respond to national problems. PPB

is a mechanical device for measuring performance, and is only as good as the information going into it. The information fed into the federal system is barely sufficient to give the appearance of producing a rational annual budget. It is incredibly bad information for monitoring the delivery of services today, or for anticipating and planning services the public will need five years hence.

To make PPB, or some other planning system, a functional instrument to use in managing the delivery of child nutrition programs, the government must be willing to spend the money to obtain the information the system needs. Further, the data which are gathered for planning and monitoring should be determined by human values rather than accounting procedures and surplus disposal problems.

Short of forcing the program to be measured by larger standards, the federal response in child nutrition will continue in the pattern reflected by the appropriations and expenditures under school lunch and child nutrition activities, summarized as follows:

1. Child feeding and nutrition goals are given secondary roles to the demands of the food industry;
2. The Executive and the Congress are in general agreement on funding levels; arguments occur over how far and how fast to go with new programs;
3. Growth in program resources is a measure of public pressure and not any recognizeable plan.

Federal resources are provided as cash grants or as commodities. Since the inclusion of commodities indicates a value judgment already has been made in the use of funds to purchase them, the best indicator of federal priorities for child feeding is Section 4, the authority

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in the school lunch act which provides the largest single source of cash to states and school districts. (See Table D.)

The Section 4 appropriation in 1946 was $51.3 million, which represented about half of the cost of food purchased for the lunch program, or 4.5 cents per lunch. The appropriations in 1947 rose to $54.8 million, and the next year fell by a million dollars--a situation which might reflect a budgetary reaction to the first post-war recession. The appropriations jumped to $58.8 million in 1949 and for the next three years were pegged at $64.6 million. Thus, for the Truman years, no apparent pattern is discernable other than a budget officer's finesse properly labeled as the "pegging concept."

The pegging concept became the hallmark of the Eisenhower budgets, with a $67 million figure used for three years, an $83.6 million figure for two, and a $93.6 million for three.

Under the Kennedy and Johnson budgets, Section 4 funds increased each year by small increments, reflecting a policy to peg cash grants at a level of 4.5 cents per meal served in the program, and to raise cash funds as participation increased. It is a more sophisticated approach, but it is largely meaningless when the food cost of a lunch averages 36 cents today as compared to 9 cents in 1946.

Other than for minor adjustments, the Congress has accepted the figures for child feeding proposed by the Administration. Any comparison of the budget proposal and the final Congressional action on appropriations will demonstrate that on those items where Congress has the last word the difference is minimal.

TABLE D

FEDERAL RESOURCES FOR CHILD NUTRITION*
(Millions)

	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959
Section 4	51.3	54.8	53.8	58.8	64.6	64.6	64.6	65.9	67.0	67.0	67.0	83.6	83.6	93.6
Section 6		14.0	14.5	14.5	17.3	17.3	17.3	16.0	15.0	15.0	15.0	15.0	15.0	49.7
Section 32	5.8	2.3	19.3	21.6	36.2	15.2	13.0	51.7	94.2	26.9	65.3	112.5	61.8	44.4
Section 416					2.0	19.6	3.6			43.4	34.6	19.5	14.2	22.4
Section 11														
Breakfast														
Equipment														
Vanik														
Perkins														
Total	57.1	81.1	87.6	94.9	120.4	116.7	98.5	133.6	176.2	152.3	181.9	230.6	174.6	210.1

*U. S. Department of Agriculture

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970*
Section 4	93.6	93.6	98.6	108.6	120.6	130.0	138.6	147.4	154.9	162.0	168.0
Section 6	58.4	59.7	69.4	59.4	59.3	59.3	59.3	59.3	59.3	64.3	64.3
Section 32	28.6	56.6	29.1	29.3	43.7	173.2	49.4	50.9	100.1	79.3	90.4**
Section 416	42.3	13.0	83.9	91.7	92.0	39.7	67.4	79.5	120.3	144.8	146.8**
Section 11			Enact-ed				2.0	2.0	5.0	10.0	44.8
Breakfast								2.0	3.5	3.5	10.0
Equipment								0.8	0.8	0.8	10.0
Vanik										10.0	10.0
Perkins										44.0	89.0
Total	222.9	224.9	281.0	289.0	315.6	402.2	316.7	341.9	443.9	518.7	633.3

*House Appropriation

**USDA Estimates

The uncontrollable budget items primarily are Section 32 and Section 416, both dealing with commodities. These are determined by crop or animal production conditions, or by the miscalculation of some food processor's general manager. Even this is somewhat misleading since the budget proposals will contain target expenditure figures for these items, and the target figure usually is very close to the actual expenditure figure.

Sharp differences between the Executive budget and the congressional appropriation will be found on new programs, an experience in child nutrition which did not occur until the 1960's. In 1962, the Congress enacted Section 11 at the request of the Administration to provide more cash grants for free lunches to schools with enrollments of children from poverty-level families. But the Appropriation Committees could not be convinced to fund this section until 1966.

Funding of the Child Nutrition Act, which even the Administration proposed at nominal levels, was cut by the Appropriation Committees in 1967 and 1968. The difference in relation to the total amount of federal resources allocated to child feeding is measureable only in fractions.

The significance of the differences, however, is in the "go slow" attitude of the Appropriations Committees, a position they defend with the argument that the agency needed more experience before more funds should be authorized.

While the Appropriation Committees tell the Administration to go slow on Section 11 or on the school breakfast and other child nutrition programs, there is no similar record of caution on funds to purchase

meat when cattle prices fall or to buy frozen orange concentrate when a surplus in the citrus crop exists.

The budget pattern for expenditures of Section 32 and Section 416 under the child feeding programs is incoherent unless it is viewed in relation to production conditions, at least until 1968.

For example, Section 32 expenditures in 1953 were $51.7 million compared to $13 million in 1952. Spending jumped again in 1954 to $94 million and then dropped back to $27 million in 1955. The variations are understandable only because beef prices dropped significantly in 1954-55. The same situation was repeated in 1965 when Section 32 expenditures rose to $[illegible] million from the previous year's level of $43.6 million and then fell again in 1966 to $49.4 million. School children in 1965 were again called to eat their way through excessive supplies of hamburgers and beef roasts.

The conventional approach to budgeting for child feeding began to change in 1968 and 1969, when the public and its champions were bringing home to Washington the message that there were millions of hungry and malnourished Americans. For example, Section 32 and Section 416 expenditures were at near record levels for both years, with no particular commodity surplus to explain why. In 1969, $44 million was provided from Section 32 by the Congress to strengthen the school lunch program. Neither the Administration nor the Appropriation Committees, however, originally had proposed the increase. The funds to provide more free meals, breakfasts, and food service equipment were added through adroit legislative

engineering of Representative Carl Perkins, Chairman of the House Education and Labor Committee.

In addition, underscoring the casual attitude to these very real problems, appropriations to fund child feeding programs for the 1969-70 school year were not approved by the Congress until mid-November and had not been signed by the President and thus released to the states even as Thanksgiving week began. This has not been an uncommon experience for the school lunch program in the past decade. If the states appear indifferent to the existence of hunger among children, the attitude may be a reflection of that at the highest levels of government.

It is difficult to predict what future changes will occur. On the basis of the record, it is obvious that states and local school officials have a valid complaint that federal assistance is inadequate and unpredictable, and any kind of planning is difficult and unnecessarily complicated. And it is obvious that millions of American children still are hungry every day.

APPENDIX I

FEDERAL PROGRAMS FOR CHILD NUTRITION

1. School Lunch Program

The National School Lunch Act of 1946 (amended in 1962 and 1968) provides grants to states through the Department of Agriculture for "... the stablishment, maintenance, operation, and expansion of non-profit school-lunch programs." Schools are required to serve lunches free or at a reduced price to students whom local school authorities consider unable to pay full cost. The USDA has set the general criteria for need to include family income (including welfare grants), family size, and the number of school children in the family, among others. More specifically, free or reduced price lunches should be given to children from public assistance families, such as Aid for Dependent Children; those who receive food stamps or commodities; or do not get welfare assistance but have a comparable income. USDA regulations encourage simplified application forms and flexibility in granting free or reduced price lunches to those in temporary financial distress.

School districts must prepare and publish a statement of the criteria to be used for free and reduced price lunches. It must specify the officials who determine the child's eligibility and the procedural steps in their decision. The school must have a system which allows appeals in individual cases.

Names of children who receive free or reduced price lunches will

not be published, posted, or announced in any manner to other children" nor can students be required to use a separate lunchroom, lunchtime, serving line, entrance, or medium of exchange. They cannot be required to work for their meal, according to regulation.

The Act specifies that cash payments will be made to schools which serve Type A lunches or those designed to furnish between one-third and one-half of the children's daily nutritional needs. Regulations specify this as: one-half pint of fluid whole milk served as a beverage; two ounces of lean meat, poultry, fish or cheese, or one-half cup of cooked dry beans or peas, or four tablespoons of peanut butter; a three-fourth cup serving of two or more fruits and/or vegetables; one slice of whole grain or enriched bread, or a serving of cornbread, biscuits, rolls, muffins, etc., made of whole grain or enriched meal or flour; two teaspoons of butter or fortified margarine. The Type A lunch may also be served without milk. A Type C lunch is one-half pint of fluid whole milk.

Section 4 of the National School Lunch Act authorizes funds for reimbursement of the cost of food to the schools. The maximum allowed administratively is 9 cents, but the maximum which the USDA budgets and the Congress appropriates is 4.5 cents. Where a school agrees to serve free or reduced price lunches to all needy children, the state agency administering the funds may reimburse the schools for all lunches served at a maximum rate of twenty cents; or a school may elect to continue the regular nine cent maximum and, in addition, be reimbursed at a maximum rate of twenty-five cents for all free or reduced price lunches served, or a total allowable maximum of 34 cents

for free or reduced price lunches.

Section 11, added to the Act in 1962, authorizes more cash grants to schools "... drawing attendance from areas in which poor economic conditions exist." Schools receiving these funds are reimbursed at either a maximum rate of twenty cents from Section 11 funds if all needy children in the school receive free or reduced price lunches, or 25 cents for each free or reduced price lunch served.

The average cost of a school lunch in the 1969-70 school year is estimated at about 60 cents, with food costs taking 36 to 38 cents. The present Act puts the burden for labor, equipment and other costs, including the portion of food costs not paid by federal grants, on states and local school districts.

2. The Breakfast Program

The Child Nutrition Act of 1966 authorizes a pilot school breakfast administered by the USDA. Participating schools are reimbursed at a maximum rate of fifteen cents for each meal served. Free or at a reduced price meals are provided to children whom local school authorities consider unable to pay the full price. The administrative criteria includes family income (including welfare grants), size, and the number of school children in the family. Where a school serves all or nearly all the students free breakfasts but cannot adequately finance the program, the Department of Agriculture will assume up to 80 percent of all meal costs, including purchase, preparation and serving the food.

Each breakfast by regulation must contain at least: one-half pint of fluid whole milk; one-half cup of fruit or full strength fruit or vegetable juice; a slice of bread or its equivalent in cornbread, biscuits, flour, or three-fourths cup serving of whole grain, enriched, or fortified cereal; and, as often as possible, protein-rich foods such as eggs, meat, fish, poultry, cheese, or peanut butter.

3. Surplus Commodities

In addition to cash grants, the USDA also provides food commodities to schools--an average of about 12 cents worth per meal currently--under these major authorities:

*Section 416 of the Agricultural Act of 1949, which allows price supported commodities--wheat (flour), rice, butter, beans, cheese, dry milk, corn (meal)--to be distributed to schools;

*Section 32 of Public Law 74-320, which authorizes the Secretary of Agriculture to spend up to 30 percent of U. S. customs receipts. Funds can be used for several purposes, primarily the purchase of farm commodities which are not price supported, including meat, poultry, eggs, fruits and vegetables, among others, and distribute them to needy individuals and to schools.

*Section 6 of the National School Lunch Act authorizes the Secretary to spend an amount as determined by the Congress to purchase food commodities specifically for school lunch purposes. At present, the Section 6 appropriation is $69 million;

*Section 210 of the Agricultural Act of 1956 allows commodities

for state correctional institutions for minors, Public Law 75-165 for non-profit summer camps for children, and Public Law 86-756 for use in home economics courses in elementary and secondary schools.

4. Nonfood Assistance

Section 5 of the National School Lunch Act authorizes grants for nonfood assistance, i.e., equipment used in "...storing, preparing, or serving food for school children." Additional funds can be given to schools "...drawing attendance from areas in which poor economic conditions exist" for equipment to store, prepare, transport and serve food. At least 25 percent of equipment costs must be paid by state or local authorities.

5. Section 13, The Vanik Program

Public Law 90-302, passed on May 8, 1968, technically as Section 13 of the National School Lunch Act, authorizes funds for food service grants to public and private non-profit child case institutions serving areas where "poor economic conditions exist" or "where there are high concentrations of working mothers." These include day care centers, settlement houses, recreational centers and day care centers for handicapped children. The program applies to public and private institutions and to special summer programs with food services similar to those available under the national school lunch or school breakfast programs during the school year. In cases of severe need, the federal grant may cover a maximum of 80 percent of the operating costs. Funds for nonfood are also authorized. The federal government will pay up

to 75 percent of the cost to rent or purchase equipment, not including land or buildings.

One or more of the following meals can be served: breakfast, lunch, supper and between meal snacks. Breakfast and lunch requirements are the same as school meals. The supplemental--snack--food must include a serving of milk or full strength fruit or vegetable juice and a serving of whole grain or enriched bread, rolls or cereal. Protein-rich foods--peanut butter, cheese--should be served as often as possible. Maximum rates of reimbursement are thirty cents for lunches. Meals are served free or at a reduced price to those whom local program directors say are unable to pay the full cost.

6. Section 25, The Perkins Bill

The Perkins Bill, or Section 25 of the Agricultural Appropriations Act of 1967, authorized $45 million from Section 32 for food service for needy children. The amount was in addition to the regular appropriation items requested by the administration and initially provided by the Appropriation Committees. The fund is called the Perkins fund because the Kentucky congressman introduced and brought through the House a bill to authorize the Secretary of Agriculture to use $100 million of Section 32 money. The Appropriation Committees agreed to add $45 million as a compromise which the Congress accepted.

7. ESEA Title I Funds

Title I of the Elementary and Secondary Education Act of 1965 provides financial assistance to schools serving areas with concentrations of low-income families. The program is designed for

educationally deprived children. The maximum grant to a local educational agency is determined by multiplying 50 percent of the average state or national per pupil expenditure, whichever is greater, by the total number of students ages five to seventeen:

a. whose families earn less than $2,000 per year;

b. whose families earn more than $2,000 per year but who receive Aid to Families with Dependent Children;

c. who live in institutions for neglected or delinquent children, other than those in which a state agency is directly responsible for providing free public education; and

d. who live in foster homes supported by public funds. If there is any money remaining after maximum grants have been allocated to eligible schools, the maximum family income for eligible children becomes $3,000 per year. For the school to receive any money, the total number of students eligible for Title I funds must exceed ten.

In its application for funds the school must describe specific projects for educationally deprived children residing in areas with high concentrations of low-income families. Projects should help educationally deprived children who require the greatest assistance, but no children should be excluded from the project if they are not from low-income families. "Educationally deprived children" are those needing special educational assistance to attain a scholastic level appropriate for their age. The term includes those handicapped (mentally retarded, impaired in hearing, vision, speech, or other health problems, and seriously disturbed emotionally) or whose special

needs arise from "poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large." The money may be used to construct facilities necessary to the success of the project. Title I money may be used for feeding programs, and over $30 million was used in school feeding in fiscal 1969.

8. The Migrant Program

Public Law 89-750, enacted in 1966--an amendment to Title I of the Elementary and Secondary Education Act--allocates separate funds for the education of children from migrant families. Children who move at least once during the school year are eligible if their parents work in agriculture or a related occupation (e.g., canning). About 200,000 children in forty-five states participate. Special spring and summer programs are conducted in northern states during the peak of migrant labor activity there, with extended day instruction in the southern states in the regular school year. Of the $45 million spent on the program in fiscal year 1969, about $3.1 million was used for lunches and snacks.

9. Project Head Start

Project Head Start, delegated to HEW's Office of Child Development, has two programs for pre-school children from low-income families. One is a year-round program for children between three and five years of age. The other is a smaller program during the summer for children entering elementary school in the fall. Feeding programs in projects differ, but most have at least a hot lunch and a morning or afternoon snack. Commodities from the USDA are to be utilized

extensively. Breakfasts are to be provided for those who don't get them at home, although Head Start, which involves the parents as much as possible, encourages family breakfasts.

OEO pays up to 80 percent of the total costs, or an even greater percentage in very poor communities. The eligibility requirement is a family income below the poverty level (e.g., the Social Security Administration's $3,400 for a family of four.)

APPENDIX II

BASIS FOR CALCULATIONS ON PERKINS FUND - TABLE B

20 School days/month
180 School days/year
9 Months in school year

September - 180(9)	January - 100(5)	May - 20(1)
October - 160(8)	February - 80(4)	
November - 140(7)	March - 60(3)	
December - 120(6)	April - 40(2)	

A. To determine number of F/RP lunches possible on average daily basis.

1. Multiply amount spent by 4 (25¢ payment/lunch).

2. Divide by number of days listed opposite month given as starting time for Perkins program.

B. To determine number of lunches (average daily basis) converted by state.

1. Multiply November average daily F/RP lunch figure by 9. (November is the last month unaffected in all states by Perkins program, and is generally a typical month).

2. Multiply A_2 above by the number in parenthesis after the month listed as starting time for Perkins program.

3. Add B_1 and B_2 above, and divide by 9.

4. If B_3 is larger than the average daily number of free or reduced price lunches served by the state, the difference is assumed to be the number of lunches converted on the average daily basis for the year.

5. Multiply B_4 by the number of months the Perkins program was not in operation in the state, and divide the total by the number of months the program was in operation.

6. Add the figures for B_5 and B_4 to obtain a number which approximates the average daily number of lunches converted during the period of operation of the Perkins program.

C. To determine percent of Perkins funds diverted by state.

1. Divide B_6 by A_2.

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CNI WEEKLY REPORT

Community Nutrition Institute

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School Lunch Research in Full Swing

Five research projects, three funded fully or in part by the Office of Economic Opportunity, are the sum total of federal research efforts into child feeding problems.

A sixth project is under consideration and is closely related to the objectives of the five active projects. They are:

1. A New Jersey School Feeding Project, funded by OEO, and operated by the state education agency. Eight priority objectives are listed; improved participation, broader coverage of schools, simplified certification and payment collection, recruiting personnel, reorganizing program administration, focusing more funds on needy children and designing model contracts for regional programs.

2. A Feeding Effectiveness Program, operated in conjunction with the New Jersey project by the Department of Food Science at Rutgers University. The project is jointly funded by OEO, USDA and the State of New Jersey.

The project, more nutritionally sophisticated than any of the others, has four objectives; developing systems for schools without food service facilities, expanding the use of donated commodities, defining the commercial potential of school feeding as a market for engineered foods, and developing techniques to improve management in the school feeding programs.

3. School Lunch Programs in North Carolina, financed by OEO and operated by the N.C. State University. This study is designed to improve the school food service program as a delivery system for nutrition, and is based on the fact that the state has practically all schools participating in the program. The basic thrust of the

(Continued on page 5)

School Lunch Hearings October 13

The Select Senate Committee on Nutrition and Human Needs will hold hearings Tuesday, October 13 on the school lunch program. Witnesses tentatively include state and local officials, and representatives of local organizations supporting efforts to improve child nutrition programs, according to Sen. George McGovern, chairman of the committee.

The hearings will likely be the last effort of the Senate this session of the Congress to assess the status of child feeding programs, and will set the stage for program action in the new Congress which will convene in January.

CNI Weekly Report will publish a special report on the hearings, in addition to the regular report.

* * * * *

USDA Funding Bill Stalled; No Action Until November?

Congressional action on appropriations for school lunch -- and all USDA programs -- remains stalled by the deadlock between the Congress and the Administration over a new farm bill.

A conference committee has been negotiating for more than a month to settle Senate and House differences. Agreement on most farm program issues has been achieved except on price support and acreage control features for cotton, wheat and feed grains. Congress wants more cotton acreage put under price support and a minimum price support floor for grains. The Administration opposes these measures because of their cost.

Sen. Ellender, head of the Senate conferees,

(Continued on page 4)

School Lunch:
How It Did Last Year

Carl Perkins, chairman of the House committee on education and labor, prepared an analysis of the school lunch program for the 1969-70 school year which was printed in the Sept. 22 Congressional Record.

CNI Weekly Report carried a brief account of the Perkins study in the last issue. Since the data is the most recent review of program performance, CNI is publishing the data tables for its readers.

Study Indicates School Lunches Underfinanced

The Office of Education recently published a low key, but scathing report highly critical of Title I, ESEA programs. The study is of interest to school food service personnel, for several reasons.

Most importantly, the number of educationally deprived children is authoritatively defined for the first time at 16.8 million children. Of this number, 54 percent are considered to be economically deprived.

(Continued on page 3)

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970-71—PT. 1

Questions	Total school attendance in State school (elementary and secondary), year 1968-69	Total attendance in schools in 1968-69 in which NSLP was available	Children to whom not available	Percentage that No. 3 is of No. 1	Total participation in NSLP for peak month 1969-70	Children receiving free or reduced price lunch in peak month	Children receiving entirely free lunch in peak month	Estimated total number eligible for free or reduced based on poverty standards for school year 1970-71	Family income level for a family of 4	At what level of family income should child qualify for free lunch
	1	2	3	3A	4	5	6	7A	7B	8
Alabama	785,219	723,332	53,395	6	578,496	162,530	112,240	310,123	$4,200	$3,000
Alaska	73,936	58,434	15,502	20	29,898	11,361	8,970	15,000	3,900	3,500
Arizona	387,579	306,900	92,779	23	189,239	47,223	46,080	73,100	3,300	3,000
Arkansas	414,780	299,111	15,669	3	[1]284,672	75,384	56,384	54,612	3,000	3,000
California	5,000,000	2,262,000	2,738,000	55	855,000	196,000	843,600	800,000	3,600	3,600
Colorado	537,543	473,223	64,320	11	188,772	25,251	385,743	67,000	2,825	2,825
Connecticut	609,228	475,957	133,271	21	215,031	29,597	(?)	45,000	4,160	4,200
Delaware	130,471	130,358	103	(?)	63,000	65,000	(?)	(?)	(?)	3,000
District of Columbia	150,000	105,000	45,000	30	47,000	27,000	27,000	100,000	4,000	5,000
Florida	1,277,741	1,114,343	162,898	12	939,663	253,161	105,062	306,780	3,800	4,000
Georgia	1,114,589	1,055,584	58,015	5	824,095	187,438	(?)	350,000	(?)	2,720
Hawaii	178,000	178,000	0	(?)	130,000	10,500	6,060	12,000	4,000	4,000
Idaho	169,908	154,123	15,685	9	84,901	9,755	9,755	15,814	3,600	3,600
Illinois	2,777,972	1,922,848	855,024	30	723,964	197,461	182,349	259,000	3,432	(?)
Indiana	1,346,030	1,015,907	330,123	24	669,297	713,969	484,350	107,434	3,600	4,000
Iowa	662,429	607,988	44,011	9	376,805	36,820	22,062	90,000	3,540	3,000
Kansas	539,041	404,325	121,738	23	268,438	31,524	(?)	43,248	3,000	3,000
Kentucky	785,000	740,000	45,000	5	552,000	220,000	(?)	350,000	3,750	2,800
Louisiana	963,617	933,617	30,000	3	707,435	130,079	91,995	186,000	4,000	(?)
Maine	220,566	169,500	51,066	23	102,300	20,192	.....	50,000	3,650	(?)
Maryland	918,838	768,274	50,654	6	315,441	58,521	57,221	97,373	3,600	(?)
Massachusetts	1,381,166	826,453	554,713	40	543,173	75,801	55,196	171,138	3,800	3,800
Michigan	2,144,967	1,530,474	631,553	31	559,738	90,612	64,561	260,000	3,700	4,000
Minnesota	830,507	763,570	66,937	8	483,034	29,000	14,000	58,000	3,700	3,120
Mississippi	529,633	522,133	2,500	(?)	406,635	133,239	66,549	150,000	3,000	2,000
Missouri	1,021,670	894,484	127,386	12	576,050	67,731	52,189	62,796	3,240	3,800
Montana	160,912	109,216	51,696	32	60,675	7,511	(?)	18,000	3,500	4,000
Nebraska	319,239	268,813	46,426	14	183,721	21,021	(?)	(?)	3,600	4,000
Nevada	114,000	64,850	49,150	16	71,464	2,000	(?)	10,000	4,130	(?)
New Hampshire	174,161	142,654	31,507	18	71,361	6,455	(?)	19,351	3,600	4,000
New Jersey	1,367,209	703,940	663,269	48	315,248	51,829	352,056	130,000	3,000	4,760
New Mexico	275,784	252,258	18,829	6	132,123	55,054	55,054	65,500	3,000	3,800
New York	3,950,000	3,037,750	912,250	23	474,546	430,000	426,000	800,000	4,000	4,000
North Carolina	1,128,123	1,029,581	98,542	8	812,061	209,281	311,544	574,000	3,000	3,000
North Dakota	147,782	132,313	15,469	10	91,296	9,273	8,346	(?)	3,540	(?)
Ohio	2,425,086	1,930,846	594,240	24	819,634	92,922	92,922	136,150	(?)	3,840
Oklahoma	555,675	401,400	154,275	27	271,429	46,624	.....	100,000	3,710	3,000
Oregon	495,303	283,788	111,915	22	212,933	21,139	20,650	114,668	(?)	(?)
Pennsylvania	2,308,000	1,831,370	476,630	20	1,081,461	113,542	(?)	775,000	4,000	4,000
Rhode Island	222,661	154,254	68,407	30	45,229	11,077	7,474	74,000	$3,020	$4,000
South Carolina	605,630	603,900	1,730	(?)	481,532	196,275	(?)	298,848	3,000	3,000
South Dakota	184,401	85,000	100,000	54	60,584	17,304	16,324	25,000	3,500	3,600
Tennessee	925,612	728,565	97,047	11	549,449	124,548	112,083	229,000	2,800	3,000
Texas	2,432,158	2,319,709	112,449	4	885,248	194,548	(?)	500,000	3,720	(?)
Utah	[2]87275	262,550	24,725	8	171,408	27,860	(?)	30,646	3,800	3,700
Vermont	112,943	81,424	31,519	28	47,191	10,130	5,505	15,000	3,720	4,000
Virginia	967,259	925,318	41,943	4	596,437	143,259	85,955	256,000	3,500	3,500
Washington	726,733	714,398	64,550	8	296,790	45,694	6,644	150,000	3,482	3,482
West Virginia	380,361	318,078	62,283	16	250,225	79,391	24,553	270,000	3,000	2,800
Wisconsin	822,122	682,361	139,761	17	389,433	31,863	24,000	80,000	3,138	3,000
Wyoming	77,796	64,225	13,571	17	38,272	[4]5,435	(?)	2,000	3,840	2,500
Canal Zone[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Guam	27,237	24,471	2,766	10	13,720	(?)	1,348	3,813	3,000	2,600
Puerto Rico	672,299	423,149	249,130	9	358,552	358,552	358,552	460,000	3,800	3,800
Virgin Islands	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	46,653,696	36,079,385	10,558,746	(?)	19,727,481	5,214,507	4,062,109	8,695,194	.....	.....

[1] Figure not furnished by State department of education. Department of Agriculture 1968-69 figure inserted in place.
[2] No response.
[3] Less than 1.
[4] Varies.
[5] None.
[6] No breakdown between free and reduced price lunches.
[7] Does not participate in school lunch program.
[8] No resident.
[9] Percentage.

Note: See remarks for 9A, 9B, and 10.

NATIONAL SCHOOL LUNCH SURVEY FOR FISCAL YEAR 1970-71—PT. 2

Questions	Number of school attendance units without facilities or central kitchens 11A	Children attending such schools 11B	Amount of Federal funds used in sec. 4 support in fiscal year ending June 30, 1970 12	Required level of reimbursement in food maximum prices at 20 cents 13[1]	Cost of such a level in each State for fiscal year ending June 30, 1970 14	Amount of Federal funds used to assist in cost of free and reduced price 15A	Additional funds required to reach all needy children in fiscal year 1970 15B
Alabama			$5,699,827	12	$15,683,522	$6,695,898	$9,755,278
Alaska	110	16,570	183,912	12	195,000	183,912	23,000
Arizona	110	83,930	1,468,712	12	3,000,000	1,657,333	1,355,000
Arkansas	1	1	3,015,717	12	10,172,000	2,777,000	5,600,000
California	2,000	650,000	6,364,000	12	72,000,000	5,000,000	57,000,000
Colorado	17	7,000	1,668,848	12	7,000,000	1,668,848	4,000,000
Connecticut	1,000	130,000	1,402,305	10	21,000,000	546,000	1,400,000
Delaware	11	1,100	486,158	12	3,000,000	182,000	182,000
District of Columbia	6	20,000	285,564	12	700,000	1,000,000	700,000
Florida	11	4,200	2,547,725	12	21,000,000	1,000,000	13,000,000
Georgia	1	31	7,343,747	12	30,000,000	7,207,578	17,000,000
Hawaii	1	0	974,978	3	1,200,000	700,000	700,000
Idaho	15	15,000	727,111	12	1,562,847	282,438	
Illinois	2,000	1,112,170	4,782,721	(2)		5,000,000	(2)
Indiana	112	335,123	3,000,615	(2)	23,000,000	1,318,000	(2)
Iowa	112	50,000	2,674,488	12	12,000,000	1,197,513	3,000,000
Kansas	612	121,700	1,931,383	12	10,000,000	578,967	600,000
Kentucky	100	45,000	4,000,000	12	20,000,000	4,500,000	7,000,000
Louisiana	100	30,000	6,333,444	12	7,200,000	2,000,000	1,746,317
Maine	100	40,000	796,157	12	4,000,000	717,000	2,343,000
Maryland	27	2,400	2,158,577	12	16,153,100	2,000,121	2,000,542
Massachusetts	1,000	554,713	3,807,300	11	29,681,400	800,000	10,643,383
Michigan	1,000	800,000	3,000,000	12	40,000,000	2,297,500	22,400,000
Minnesota	70	60,000	3,313,978	12	9,000,000	1,000,500	1,000,000
Mississippi	11	2,000	4,500,000	12	17,500,000	4,000,178	14,500,000
Missouri	60	60,000	4,100,000	12	11,400,000	1,000,000	472,728
Montana	100	31,000	679,000	12	2,552,000	314,000	300,000
Nebraska	1,000	46,000	1,100,000	12	4,000,000	000,232	330,000
Nevada	111	60,000	100,000	10	975,000	00,000	64,500
New Hampshire	100	30,000	517,000	12	2,000,000	100,000	463,775
New Jersey	1,000	600,000	2,000,000	12	16,000,000	1,000,000	5,000,000
New Mexico	00	15,000	1,100,000	12	5,000,000	1,000,000	000,000
New York	470	100,000	10,500,000	12	64,000,000	17,000,000	10,000,000
North Carolina	6	1,000	5,000,000	12	20,000,000	7,000,000	15,000,000
North Dakota	100	15,000	700,000	12	1,000,000	000,000	00,000
Ohio	370	227,000	6,140,000	12	31,000,000	2,700,000	6,000,000
Oklahoma	30	6,000	2,302,000	12	13,107,262	2,000,000	3,000,000
Oregon	201	40,000	1,400,000	12	13,000,000	000,000	2,000,000
Pennsylvania	1,000	445,000	1,400,000	12	9,000,000	2,000,000	4,000,000
Rhode Island	241	60,000	000,000	12	3,000,000	000,000	1,000,000
South Carolina	(2)	(2)	5,000,000	12	20,000,000	5,000,000	6,000,000
South Dakota	200	00,000	000,000	12	2,000,000	000,000	00,000
Tennessee	11	1,000	4,000,000	12	16,000,000	4,000,000	12,000,000
Texas	257	(2)	8,000,000	(2)	3,942,000	5,000,000	30,000,000
Utah	30	12,000	1,000,000	12	3,000,000	000,000	00,000
Vermont	210	31,000	000,000	10	1,000,000	000,000	100,000
Virginia	3	000	4,000,000	0	33,000,000	4,000,000	18,000,000
Washington	20	40,000	2,000,000	20	10,000,000	1,000,000	3,000,000
West Virginia	00	00,000	1,000,000	12	6,000,000	2,000,000	0,000,000
Wisconsin	000	150,000	2,000,000	20	12,000,000	000,000	2,000,000
Wyoming	101	10,000	000,000	20	000,000	000,000	30,000
Canal Zone[3]							
Guam	0	2,000	100,000	27	000,000	30,000	00,000
Puerto Rico	12	2,000	4,000,000	30		1,000,000	3,000,000
Virgin Islands							
Total	17,000	6,000,000	150,000,000	(4)	000,000,000	100,000,000	300,000,000

[1] Costs per lunch.
[2] No response.
[3] Does not participate in national school lunch.
[4] Estimates.

(Continued from page 2)

Free Lunches for 9.1 or 6.6 Million?

This means that the probable universe of eligible children for free and reduced price lunches will be a minimum 9.1 million, or substantially greater than the number used by the USDA to develop its budget estimates for child feeding programs.

The USDA is budgeting for a participation level no higher than 6.6 million children for special assistance in the school lunch program, based on the USDA estimate of daily attendance of 7.2 million children, of whom 10 percent will be absent.

Of particular interest is the fact that the Office of Education considers 14.2 million children as being economically deprived. This figure is based on a $6,000 a year family income as being too low in many cases to provide adequately for family needs.

USDA Budget May Need Stretching

The use of the 14.2 million figure must have sent shock waves through the budgeting offices in USDA. While Agriculture administers the program nationally, school officials operate it at state and school district levels. These officials will be doing the count of how many children need free or reduced price lunches, which means that the USDA budget likely will be stretched toward the 14.2 million participation level.

(Continued on page 4)

CNI WEEKLY REPORT

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(Continued on page 3)

The Perkins study, reported in the last CNI report, underscored the likelihood that the number of children eligible for free or reduced price lunches will be far more than current budget data indicates.

The study, based on reports from state school food service directors, projected a participation level of 8.9 million children. This figure, using income criteria from last school year, was considered to be too conservative by Congressman Perkins. He estimated the number of eligible children to be over 10 million, or twice the number receiving free or reduced price lunches in the peak month during 1969-70. (CNI misread the Congressman's words and reported the estimated eligible universe at 18 million.)

* * * * *

(Continued from page 1)

said recently: "Unless they change their minds there will be no farm bill." Until this argument is settled, no action on funding will be taken by the appropriation committees, both of whom have passed bills to finance farm and food programs.

Because of this deadlock, appropriations may not be acted upon until after the November elections. Congress has now decided to recess in mid-October and return to complete its legislative duties after Nov. 3.

Even if the farm bill were compromised this week to everyone's satisfaction, the prospects for final action soon on appropriations are not bright. In past years, the conferences on funding questions often have taken several weeks. So long as the conferees know they can return in November to settle differences, they will be under no pressure to get the appropriation bill enacted.

This is little solace for school lunch personnel, many of whom at the state and local level are confused by the apparent program drift at the federal level.

Sources on the appropriation committees indicate that should no action be taken on funding before the election recess, the Congress will extend the continuing resolution which authorizes the USDA to spend program dollars.

The current resolution which had authorized the USDA to spend through to Oct. 15 for programs included in the 1971 budget, was extended yesterday to authorize expenditures through January 1971. An extension of the continuing resolution will allow the USDA to continue to reimburse states and schools for the special milk program.

Committee sources point out that funding for the school lunch and child feeding programs would also continue, but at a rate equivalent to the funding level for 1970-71, rather than 1969-70.

* * * * *

School Lunch Week:
Emphasis on Hunger

National School Lunch week, Oct. 11-17, will have a different emphasis this year in many communities than in 1969.

The National Council of Churches is leading a coalition of organizations and groups to encourage local communities to make school lunch week in 1970 a period of commitment to eliminate hunger in the classroom.

The campaign is being organized by the Council's committee on domestic hunger, and is being supported by the United States Catholic Conference, the Southern Leadership Conference, the National Welfare Rights Organization, and the Children's Foundation, among others.

The committee on domestic hunger is directed by Hulbert James, formerly associate director of the NWRO in Washington, D.C.

"We're saying this week should not be used for the same old business-as-usual programs. We ought to have programs that are dedicated to the principle that we will feed every needy child in our community," James said.

He has been traveling across the country, speaking to community organizations, organizing workshops with the goal of building "the broadest possible coalition" to ensure that the school lunch program serves every needy child.

(Continued from page 1)

study will be to develop cost reducing techniques in program operations, to find ways to improve nutrition in the child and to test how education of the child during meals can improve nutritional awareness.

4. The National School Food Service and Nutrition Education Finance Project, financed by USDA and operated by the Florida State University. It will be a major baseline data source for school food service, even though its primary goal is to develop a stable financing pattern for school food service.

The Florida study, now completed except for the final report, has five objectives: To describe school food service as it is today; to estimate school food service needs -- public and private -- through to 1980; to describe outstanding food service systems; to analyze existing systems, identifying strong and weak points; and to produce alternative financial models.

5. The District of Columbia Food Service Project, financed by OEO and operated by the D.C. Board of Education through the school food service division.

The project combines both a planning and implementation phase, with heavy emphasis on community participation in the planning of a food service program for D.C. schools.

6. The Evaluation of Lunch and Breakfast programs in the State of Washington. The project is under consideration at OEO, and would be operated by the Washington State University.

The study would place primary emphasis on the nutritional aspects of child feeding programs, and would measure ethnic and socio-economic variables as they affect the nutritional status of school children.

ARS Researching Nutritional Questions

Other research projects in nutrition which have a bearing on child feeding are being carried out by the USDA's Agricultural Research Service, but these projects are conventional searches for answers to the nutrition experts questions. One is a University of California at Berkeley study to develop a satisfactory way to measure the nu-

MORE COMMENT FROM READERS ON CNI REPORTS

Accolades continue to arrive at the CNI office along with a trickle of checks to pay for subscriptions to the CNI Weekly Report. Here are a few quotes:

Carl D. Perkins, chairman, House Education and Labor Committee: "Your CNI Weekly Report is an excellent idea, and will fill a need in the child feeding and community nutrition program area which has been going unmet for too long. The program expansion... has not been accompanied by sufficient exchange of current information and data among the various groups which are most directly concerned with these programs."

George McGovern, chairman, Senate Select Committee on Nutrition and Human Needs: "I want to congratulate you for doing an excellent job in providing a most useful public service... I am well aware of the urgent need of such a publication..."

Dr. Jean Mayer, chairman, White House Conference on Food, Nutrition and Health: "It is extremely useful. I gave my copy to the Boston Globe... send me a few additional copies."

Paul A. Lachance, Ph. D., Associate Professor of Nutritional Physiology, Rutgers University: "...I can only say that the CNI Weekly Report is a definitely relevant document... it is concise, to the point and in plain English... please continue the effort."

Food Manufacturer: "It is our opinion that such reporting is of great value in being able to keep up with the current government attitude on nutrition without putting in a full week's effort toward sorting out and reading alone. We certainly want to encourage you to keep up this sort of information and sincerely want to wish you great success in your undertaking."

Equipment manufacturer: "This is outstanding! We would like to have you include us in a full time subscription."

State Directors, School Food Service:

"The CNI Weekly Report is tremendous... a most needed communications media."

"Congratulations! The first issues... have been greater than even I expected! Thanks always for your leadership and concern."

City Directors, Food Services:

"... found it full of information in which I am intensely interested... it will be most meaningful in my work... and will help us in dealing with our basic problems..."

"...I have for the first time the feeling that I am up to date on USDA happenings in regard to school food service... We desparately need the promptness and accuracy that this type publication can provide."

tritional status of individuals. The most promising technique under study with the $66,580 grant is a hair root model, based on evidence that protein deficiencies change the character of human hair before any other physical damage is noticeable.

While such studies are needed for health purposes, they are rooted essentially in the politics of production -- i.e., if people who need more food can be found, then bigger markets can be developed for agriculture.

Politics of Distribution Being Studied

The dynamic character of the new breed of research projects is that they are the first to deal with the politics of distribution -- i.e., if enough food can be produced to feed every person, and people are still malnourished, then the real problem is how to deliver food to every person.

The Florida project, for example, likely is a transitional study. It will be a definitive assessment of a school food service program constructed in the old concept of production politics. It will serve up a budget makers delight (particularly for the new PPBS apostles) of projections of needs for the next decade, with alternative choices and alternative costs. It also will mark the end of nearly four years of often abrasive analysis of what is wrong at the federal level.

The New Jersey project, while it sets goals related to bringing more schools and needy children into the state system, will probably result in a redesig[illegible] state administrative structure better equipped to handle management problems in a program which is galloping to giant size.

Solution Sought to Delivery Problems

The Rutgers study is an effort to venture into the explosive area of engineering foods specifically for child feeding programs as a means of solving increasingly complex delivery problems. The suspicion and hostility which food service personnel in child feeding direct toward the subject accounts for the delicate phrasing used in offical accounts of the project.

The fact remains that the Rutgers project can have the most decisive and positive impact on child feeding since the invention of peanut butter. The politics of distribution -- or the solving of the war on hunger -- is based on developing the technology for delivery nutrition, not food groups.

The Washington, D.C. project essentially is geared to demonstrate that child feeding is a community function, and that the political problems of community acceptance, if they can be overcome through participation in planning, will help resolve other problems in participation and nutrition education.

Cost Savings and Nutrition Education Studied

The North Carolina project has a more intermediate goal, which is to identify cost saving techniques in current program operations. It should develop useful management techniques adaptable to most state school food service operations.

The Washington state proposal ventures into the murkiest area of all, nutrition education. It is a subject much like the weather: Everyone talks about it, but nobody does anything about it.

Whether the answers will be found in studying ethnic and socio-economic influences is anyone's guess -- a reasonably valid criteria for research, judging from the hair root test.

* * * * *

PEOPLE who/make EVENTS

Dr. Nathan Smith appointed Special Assistant for Nutrition Programs to HEW Assistant Secretary for Health and Scientific Affairs Dr. Roger O. Egeberg. Dr. Smith will coordinate nutrition programs within HEW. He was Professor of Pediatrics at the University of Washington at Seattle's Harborview Medical Center. He has been active for several years in nutrition related research activities.

Edward J. Hekman, Administrator, Food and Nutrition Service, USDA, was recently awarded a management improvement certificate by the President of the United States. The award was given to Mr. Hekman "for excellence in improvement of government operations."

Mrs. Patricia Stevenson, director, Office for Nutrition and Health Services, Office of Education, HEW, has been awarded a Horace Mann Lectureship in Public Education Policy at the University of Massachusetts at Amherst. She will be studying for her doctorate in teacher training and humanistic education during a year's leave of absence.

Daniel G. Wisotzkey named Supervisor, School Food Services, Colorado Department of Education. He replaces Pohle H. Wolfe formerly Consultant for School Food Services.

Mr. LEONARD. I want to emphasize that the latter data was developed by the House Committee on Education and Labor, under Representative Carl Perkins, and the earlier data by this committee, under Senator McGovern. It is indicative of some of the problems in child feeding that the data base for analysis has to be developed by the legislative rather than the executive branch.

Now, the data show that of the 46.7 million children in public schools, the number who participate in the school lunch program increased from 18.3 million to about 19 million last year. The number of children receiving a free or reduced price lunch increased from 2.4 million to about 4.5 million.

The reason I say "about" in referring to the 1969–70 data is that the Perkins study records the participation in the program for the peak month, and not the average daily statistics as recorded in the McGovern data. The figures I use for comparison purposes are converted to an average daily basis.

The difference in absolute growth rates contains some surprising information. For one thing, the program, overall, is not expanding as might be expected from the weight of more Federal dollars alone.

It also indicates that a substantial number of children have been paying for lunches when they should have been receiving them free or at minimal cost.

And it suggests that schools in general are not moving with any special vigor to reach the children of the poor who are most in need of adequate food and better nutrition.

A look at the performance of some States underscores these observations. In Illinois, for example, the program grew by about 124,000 more children, but about 164,000 more children are being served free or reduced price lunches on an average day.

In Michigan, while the number of children receiving free or reduced price lunches has increased by some 63,000, the total number of students participating, on the average, has increased by only some 5,000.

Massachusetts, on the other hand, has a more conventional pattern. Free or reduced price lunch participation increased nearly 27,000 while the number of students being served lunch rose 110,000 on the average.

The Perkins data also shows that the number of students attending schools which do not provide type A lunches has not changed greatly since 1968–69. Some 10.5 million children do not have access to the national school lunch program today, which is about the same figure as in the McGovern data.

The new dimension provided by the Perkins study is that more than 6 million of these 10.5 million children attend school where no food service is available.

The Perkins study also clearly demonstrates that the school children who should receive a lunch free or at a token cost—which is estimated at 6.6 million by the Administration for 1970–71—have been seriously underestimated. Other studies support this conclusion.

State school food service directors reported for the Perkins study that 8.9 million children should receive a free or reduced price lunch, using eligibility standards which were in effect last school year. Mr. Perkins, noting that most States were using an income standard

which is lower than the new income guidelines policy announced by Secretary Hardin in August, estimated that over 10 million children would be eligible for special assistance in the current school year.

Even these figures may be conservative, however. The Office of Education recently published Education of the Disadvantaged, an analysis of title I, ESEA activities which, in addition to saying the program has not been particularly successful, estimated that the number of economically disadvantaged children in public schools is 14.2 million.

The real significance of this number is that the same officials who made these calculations also will determine which children, in addition to those who automatically qualify as eligible under the new legislation, will receive free or reduced price lunches.

The meaning is clear, and I think the implication of these figures is tragic. The program for the school year now underway is based on a budget which does not provide for from 4 to 8 million children who need special assistance to gain access to the school lunch program. With funding at the present level now provided in the appropriation bill which has passed the Senate, the Federal Government will fall short of meeting its real obligations to the States and local school districts by as much as $100 million, and probably $200 million.

The danger is that States and local officials will be guided in their program administration by budgeting policy and not by nutrition philosophy—in other words, program growth will be determined by available dollars rather than by student need.

The situation is underscored by another, and more subtle, trend which the Perkins data hints at, and which field reports coming into the children's foundation this summer and fall describe more specifically. It is that children, and their families, who are eligible for special assistance are being systematically denied a service to which they are legally entitled.

The information has been summarized in an article in the Public Information Center News, and I would like to submit a copy of that for the record of this hearing.

(The article referred to follows:)

[Reprinted from Public Information Center News, October 1970]

STEALING FROM CHILDREN

(By Steven d' Arazien)

Public officials are breaking the law and, as a result, more than 4 million needy American school children go hungry every day.

At issue is the National School Lunch Program and the manner in which it is administered in school districts across the nation.

A Marrowbone Creek, West Virginia mother wrote The Children's Foundation, a private organization attempting to eliminate inequities in the program, "They have made the children that couldn't pay for their lunch set and watch the other kids eat . . . Last year, when they had to let the children eat, what they got wasn't fit for a dog and not enough. I was in the kitchen one day and the meat they was cooking had big long hairs on it."

The problem, at best, is caused by officials who just do not care, at worst, by those who do not believe that poor children should receive what they are entitled to under the law.

The law is clear. In 1946, Congress enacted the National School Lunch Act to "safeguard the health and well-being of the nation's children." Since then, other

measures have been passed to insure that poor children are not excluded. As recently as last spring, Congress amended the Act to say that every needy child attending schools receiving federal lunch money "shall receive" a lunch free or at a reduced price.

Still, only about 24 million of the nation's 52 million children under 18 participate in the program. Of the 9.1 million from poverty-level or below families, only 5 million receive lunches free or at reduced prices. Of these latter, many are subjected to degrading treatment long outlawed by Congress.

The National School Lunch Program is operated at the federal level by the U. S. Department of Agriculture (USDA). An indication of USDA's concern about feeding children may be seen in the fact that it took the Department nearly four months to write regulations to implement the new legislation passed in the spring.

In each state, the program is run by the Education Department through a program director. Each school district also has a school food service director. In many schools the principal runs the program. It is a step-child of the educational system, despite the opinion of such leading child psychologists as Bruno Bettelheim that hungry children tend to be anti-social and have difficulty learning.

"How one is being fed and how one eats have a larger impact on the personality than any other human experience," Bettelheim says, while school officials continue to ignore or violate the law with impunity. The situation is as bad in the North as the South.

The program has always benefited the children of middle class families, where the federal subsidies for free and reduced price lunches are used to hold down the cost of the meal to affluent youngsters. Hot lunches often are provided in newer schools in middle class areas, while inner-city schools are by-passed. In general, ghetto schools are older and lack adequate serving facilities. Officials, either through lack of concern or imagination, are unwilling to experiment with technological innovations that could bring hot lunches to hungry, needy children.

The latest statistics available paint a gloomy picture:

In Hartford, Connecticut, only a twentieth of the children receive free or reduced price lunches. Only four out of 25 elementary schools provide lunch. Yet, 13 per cent of the city's families are on welfare.

In Lincoln, Nebraska, only 814 free lunches were served last year out of the 14,253 meals prepared daily. There are no reduced price lunches. Yet, there are 6,000 families living at or below the federal poverty guideline of $3,600 a year for a family of four.

In Lancaster, Pennsylvania, 5,302 families earned under $2,000 a year, but only 360 elementary school children received free or reduced price meals.

In Albuquerque, New Mexico, only half the children from poor families are served free or reduced price lunches.

In Manchester, New Hampshire, only 13 of 28 schools have lunch programs.

Cities in Ohio are among the worst in the nation. In Akron, 26 per cent of the elementary schools have a lunch program. Only four per cent of the children living in low-income areas receive free or reduced price meals. In Cincinnati, only 30 per cent of the poor children are able to participate. Less than a third of Cleveland's schools have lunch programs and only 7.9 per cent of the children in poverty areas get school lunches. In Columbus, half the schools have lunches and only 12.6 per cent of the poor receive food. In Dayton, less than a third of the schools serve lunch.

The federal program is often discriminatory. A Greenville, South Carolina mother reports that some of her children receive free or reduced price lunches while others do not. The reason? The children attend different schools.

In outright violation of the law, some school districts set quotas for the number of children permitted to receive free or reduced price lunches. For example, Abingdon, Virginia, has a 10 per cent limit on free lunches. In Hardeeville, South Carolina, poor children receive the lunches on alternating weeks, a not unique practice.

In Georgetown, Texas, where there are 1,000 pupils, approximately 100 free and reduced price lunches are expected to be distributed this year, despite the fact that over 30 per cent of the country's families are poverty level.

In the urbane college town of Chapel Hill, North Carolina, 200 children of families receiving Aid to Dependent Children (ADC) payments are refused free lunches. School officials there labelled the children "free-loaders."

The situation in Mississippi may best be summed up by this letter from Tylerstown: "I am a poverty family. We does not have no employment. We have 7 in the family and we have 4 children to attend school. The lunch cost 30¢ per month from Welfare and we are not able to pay this amount. We would like free lunch if possible."

Where free or reduced price lunches *are* provided children, flagrant abuses of the law are reported. The most common is discrimination. Anti-hunger workers estimate that 75 per cent of the children receiving free or reduced price meals are stigmatized by school practices. Dr. Bettelheim said, "Eating and being fed are intimately connected with our deepest feelings. They are the most basic interactions between human beings, on which rest all later evaluations of ourself, of the world, and of our relationship to it."

Imagine the scars left on children who are subjected to the following situations:

In Des Moines, Iowa, those receiving free or reduced price lunches have a black star on their food card.

In Raleigh, North Carolina, officials use either red tags or verbal identification in the lunch lines to brand poor children.

In Gary, Indiana, children to receive free lunches are segregated in the line.

In Indianapolis, Indiana, separate lunch periods or lines are used, depending on the school.

In Alliance, Nebraska, poor children line up in front of the principal's office once a week to get their food cards. The other children have no doubt why their schoolmates are there.

A lady from Caldwell, Idaho, explains, "My girl said she'd rather do without lunch than be made a fool of in front of the children like she was." That reaction is typical. Children are proud. They'd rather starve than seem to be beggars.

These practices are illegal. The law says: "Avoid overt identification to their peers of children receiving such meals" and "protect the anonymity of the children." It specifically outlaws each of the above practices.

Another form of abuse is that of child labor. In about half the schools, administrators induce children to work for their "free" or reduced price lunches. In many cases, parents who hear of the school lunch program ask the principal about it. The principal then asks the parent, "Wouldn't your child like to work for his lunch?" Not many parents say no to this kind of coercion.

In Chatham, Virginia, where children help pick the tobacco crop, wages are withheld to pay for free and reduced price lunches. Chatham, incidentally, uses Title I money, earmarked by Congress to improve directly the educational program for disadvantaged children, to pay for a planetarium for adult education classes and for an astronomy-navigation teacher.

In Topeka, Kansas, children in special education classes, usually the poorest and most needy, miss classes so they can work for their meals. An even more dramatic case was reported in Troup County, Georgia, where children earn lunch by guarding the garbage cans so other hungry youngsters won't steal the scraps.

Needless to say, the law forbids requiring children to work for their meals. Adding fraud to injury, many schools where children are asked to work claim federal reimbursement for the meals served these youngsters as "free" lunches.

Eligibility standards are a major obstacle to participation. The law reads "Meals . . . shall be served without cost or at a reduced price to children who are determined by local schools and service institutions to be unable to pay the full cost of the meal."

A mother writes from Denmark, South Carolina, "The situation in our community is that most of our children does not have money for food at school or any place. Some parents doesn't even earn enough to properly provide for them even in their homes. They are hungry and unable to cope with constantly rising prices on foods and other necessary items. But food is what we are concerned about. Income is too low to provide the proper food." For reasons as yet unexplained, these children apparently are too wealthy to qualify for the program.

The inequities are easily seen in the way the criteria vary from community to community. In Georgetown, Texas, a family of five earning $191 a month must pay full price for each child's lunch. In Albuquerque, New Mexico, a family of four must earn $111 a month or less before lunches for the children are reduced to half price. In Williamsburg, South Carolina, a family must make less than $1,800 a year to qualify for free school lunches. In Salina, Kansas, the same family would have to make $2,800 or less—still only $234 a month to feed, house and care for four persons.

These practices may be stopped in 1971 when the schools are required by law to follow a national income eligibility standard based on a minimum $3,720 yearly income for a family of four. However, as past experience demonstrates, school officials rarely obey the letter of the law when it comes to feeding children, and the government has never cracked down on violators.

Officials are often insulting. When one Chicano parent in Caldwell, Idaho, asked that his child receive a free lunch, the principal retorted, "The Spanish should work for their lunch."

Another parent reported, "When we asked for lunch free the principal asked all kinds of questions such as, did we have a car, a T.V., do we raise a garden, do we own our own house or pay rent."

In Muskogee, Oklahoma, a parent was told, "Welfare recipients are allotted money for food, therefore they are not eligible for a second handout." It is in Muskogee, where children are allowed to charge their lunches, that poor children who cannot pay their bills are told they will not be promoted. Such practices have also been reported in parts of Alabama, Idaho and elsewhere.

The problem is that school officials regard free and reduced price lunches as charity for which parents are expected to beg and children grovel.

An application form in Eden, North Carolina, begins with this statement: "There is no such thing as a free lunch! *Some one must pay for every lunch served.*" (Emphasis in original.) The questions that follow are more complicated and detailed than those for a Diner's or American Express card. The names of two character witnesses are required.

The law: "Discourage the use of long and detailed formal application forms. Simple statements of family income, family size plus hardship reasons should be acceptable without forms involving long-winded and irrelevant questions."

How do school administrators rationalize their practices? The response of one superintendent is typical. When it was pointed out that schools in Lincoln, Nebraska, were breaking the law in the administration of the lunch program, Superintendent John Prasch replied, "We're not smart enough to figure out how to obey that law."

Other administrators have alibis nearly as absurd. In Greenville, South Carolina, poor children were observed chewing on their shirt collars while their more affluent schoolmates ate. Questioned about this quaint custom, officials said that if the youngsters don't go to the lunchroom, they would be left unsupervised. Nothing was said about food.

Then there is the case of a South Carolina man who was notified by the Department of Public Welfare that his ADC check was being increased from $27.20 to $38.12 a month because his wife had returned home. His food stamps, however, would cost $34 a month, the state said. Still, his two schoolage youngsters are ineligible for free lunches.

He wrote: "Dear Sirs: This is to notify you that I is disable and my wife is disable. And we have 2 children to support. My wife have been in the rest home and they sent her back to me. My doctor pronounce me disable to work and the Welfare only gives us $38.12 for all of us. I am enclosing this letter so you can see for yourself. I feel that I am unjustified. That is why I am writing to you. Hoping to hear from you soon. P.S. I have 2 school age children. My wife is paralized and can't do for them and I need help."

His cry for help raises essentially the same question about American justice as a 10-year old boy from Boise, Idaho. He was attending a recent community organization meeting where anti-hunger workers explained children's right to lunch under the law.

The boy, who is required to work for his lunch at a Boise elementary school, raised his hand. Why, he wanted to know, if his father was in jail for breaking the law, weren't the men in prison who broke these laws?

Mr. LEONARD. The local practices which are used by school officials to keep down the number of children receiving special assistance boggles the mind. Some communities set up a quota system in which a limit is placed on the number of free or reduced price lunches, regardless of need.

Others use various devices—publishing names of eligible families in newspapers, announcing over the loudspeaker the names of the children who get free lunches, segregating the children who receive

free lunches, serving free lunches on different colored plates—all of which are designed to intimidate children.

Some use the school lunch program as a disciplinary tool, withholding or threatening to withhold food to control behavior. Children had wages withheld for farmwork in order to pay for lunches, and others had to miss class in order to work for meals.

Other communities use application forms which, although clearly illegal, are long, complicated and request personal information which is unrelated to the need for better nutrition.

The article details these conditions, and the files at the children's foundation contain hundreds of letters describing the agony of individuals who ask only for what the law says they should have.

What all this really says is that indifference, apathy, prejudice, and discrimination continue to be dominant influences in a program which many children may use to judge the worth of their society and their country.

Inadequate local support by public officials, combined with inadequate funding and program direction from the Federal level, practically assure the school lunch program will not achieve the goals which the Congress has set. Obviously, the support is not available within the program to fulfill the promise made by the White House last Christmas that all needy children would be reached with a school lunch by Thanksgiving.

The dimension of the problem is greater than the difficulty of reaching all children, poor or not, with food service when they are in school. Even if we could achieve this objective tomorrow, there is serious question that the problem of child malnutrition—or hunger—would be solved.

Two years ago the USDA analyzed the nutritional content of the lunches served in the schools participating in the program. The survey results are shocking. Over a third of the lunches did not meet the type A nutritional requirements—which raises a question of whether the Federal Government was being defrauded—and even a larger number of lunches were deficit in the nutrients (protein, ascorbic acid, calcium) which are essential to the health of children, particularly.

In addition, there is growing evidence that the food we consume today is not what we expect it to be nutritionally. A chemical analysis of the food served in the lunch program, for example, is likely to show that it has less nutritional value than the "paper" value assigned to it by nutritionists.

This situation is due partly to the development of processed foods which have "hollow" calories—that is, calories which do not carry other essential nutrients. But it also is due to the fact that we do not know what happens to the nutritional value of foods under new methods of production, or the effect which different techniques of processing and handling have on nutritional quality.

What I am suggesting is that we have recognized a national problem—hunger and malnutrition—exists for which a national program structure has yet to be established as a way to respond to it.

The present program is essentially a series of local responses to local conditions—which explains the consistency of it's inconsistent standards and procedures. The program at the Federal level wears

the blinders of production politics—that is, it is essentially an instrument to increase the consumption of whatever is produced under the farm programs. How else do you explain these conditions:

Development of a program budget is unrelated to the needs of local schools and communities.

Planning at the community and State level for child feeding is nonexistent. No one has any idea of the needs in this program area 5 years hence, other than educated guesses.

The data on which the Congress could base the funding decisions it already has made only now has become available; and only because the chairman of a House committee was concerned enough to gather, analyze, and publish it. The USDA has yet to provide the Congress with similar data.

No public agency is developing a data base of the food preferences of children, even though the objective of the child feeding program is to deliver food in a nutritious form appealing to the child which the child will consume. Menus are designed today on the basis of what people think children like to eat, or should eat.

No research program has been structured to analyze and report at intervals on the nutritional quality of the food American citizens consume, even though the technology of producing, processing, and serving is being revolutionized.

These are not the type of activities which the executive or legislative branches would engage themselves in if they were concerned with the politics of production. None is relevant to a production orientation, nor can they be understood by individuals who follow a production philosophy. All are relevant to the politics of distribution, however, and that is the nature of the problem we are finally recognizing.

Or, I should say that some of us—this committee, in particular—are recognizing. And that is the real tragedy. Just when we are beginning to understand the true dimension of the problem, the Congress and the country have begun to find hunger boring.

And that to me is the greatest crisis of all.

The effectiveness of a democratic system in a modern, complex world will be conditioned by the quality of the administration of its laws.

Thank you, Mr. Chairman. I will be happy to respond to any questions.

Senator McGovern. Thank you very much, Mr. Leonard, for a very outstanding statement, and I must say it is one that is rather disheartening to me as a member of this committee.

The Congress of the United States, years ago, really committed itself to the pledge that every needy child in this country should receive a free or reduced price meal, and to make sure that there was no mistaking the intent of Congress, as you know, we reaffirmed that pledge in even stronger language a year ago.

We made some definite effort to put in the words "shall receive" so that there was no mistaking the intent of the Congress, that we wanted every needy child in this country that was in school to be offered a free or reduced price meal, and we said they should be fed.

It is a very clear instruction.

Now, the President backed that up with his promise at the end of last year that by the time Thanksgiving rolled around this year we would have accomplished that goal. To a great extent, that bold pledge on the part of the President, which led me to put out a public statement praising him, and saying I thought progress on the hunger front was the most outstanding single achievement of the administration its first year of office.

But as I understand it, what you are telling us is that there are at least 9 million needy children in school who ought to be receiving these free or reduced price lunches, and that as we approach Thanksgiving this year we are reaching only about half of those youngsters.

Is that substantially what you said today?

Mr. LEONARD. Yes, sir, that is exactly right.

I might add that probably the number is larger than 9 million. We don't know, however, and I think that this is basically the problem we are dealing with. We have never been able to define, in numbers, the need that we use in generalized statements to say what we intend to do.

Senator MCGOVERN. I find that a very painful gap between not only the instructions of the Congress, but the pledge that the President made in a very specific manner. It seems to me that this is the kind of yawning chasm between what we say we are going to do and our actual performance that causes people all over the country to wonder about the good faith of the Government.

They wonder whether the Congress can actually carry out its intentions and whether administration officials from the President on down are really serious when they make these pledges.

I think we either ought not to make pledges of that kind, or we ought to carry them out.

What do you feel is the significance of the very modest gains that you do refer to in total participation? Isn't the figure that you give at great variance with that given by the Department of Agriculture?

As I interpret these figures, there have been some 2 million increased numbers of children who receive these lunches.

In other words, are we really making very much progress at all in terms of reaching categories of children that are truly needy children who ought to be participating in this program?

Aren't we really just making up for some of our past sins, rather than expanding the program to new children?

Mr. LEONARD. I think the numbers contain several interesting points. Some of them I tried to point out in my statement.

For example, the budget this year is based on a total participation level of about 24 million children. Yet, the Perkins study indicate that we are going to have to increase participation level in the program from about 19 million to 24 million, that is a 5 million increase. That is about a 25-percent increase in 1 year's time.

The history of the past 10 years indicates that program has been growing by less than a million a year.

The differences between 1968–69 and 1969–70 indicates a real growth in the program of about 700,000.

I frankly am afraid that on the basis of performance the program capabilities are such that they could not make this large increase.

The variance between the additional number of children receiving free lunches and the total number of children added to the program indicates also that children who have been paying now are being converted over to a free or reduced price status.

The program is not even reaching additional children. This concerns me because when you begin to look at the reports coming in, as we have, from individual schools, the problems of individual families in obtaining the services for their children indicate a reluctance, a gap, at the local level to reach out and bring the additional children who need nutrition into the program.

We need to know a lot more about the program than we do. We need a lot more information. We need the kind of data gathering that this committee did and that Congressman Perkins did.

We need it done each year. We need it at the beginning of the school year, and we need it checked at the end of the school year.

One of the problems is that unless you begin student participation in September, the chances of increasing student participation through the year become harder. If the program is started good and strong at the beginning of the school year, participation will start out strong and will continue strong.

Senator McGovern. Mr. Leonard, one of the things that I find deeply frustrating is that every place I go around the country, if I make a statement that this country is rich enough then so that there ought not to be one single hungry child, everybody applauds.

I have never found anything other than a favorable response to that. It is hard for me to believe that this is anything other than the view of most Americans. They don't want hunger to exist in this country.

You state in your testimony that hunger is becoming a boring subject to many people. I think that probably is true. I have noticed it has been difficult to sustain public interest in the work of this committee, even though the problem is very large, and yet there is this general acceptance across the country, or at least I find it that way and I think other members of the committee have, that the American public are ready to respond to leadership to put an end to hunger in this country.

What do you think can be done to revitalize this interest, where it needs to be revitalized, at the Government level?

What is missing in really closing this gap between the promises we make on hunger and our performance?

Mr. Leonard. I think there needs to be very basic reforms both in the executive and in Congress, too. Congress has just now finished up a farm program for 3 years.

I think to the public, the public that saw the reports, the feeling is that: "well, Congress has now acted on the food problems in the United States, and therefore we can rest easier. We know that whatever difficulties there are in the food and nutrition area are being taken care of."

But in reality Congress has not faced the real problems in food and nutrition, because the only thing that the committees took care of this time was the question of what kind of programs will we have to control production, to assure the United States that there will be an adequate amount of food?

But the problem we are dealing with in the lunch program, the problem we are dealing with in the family feeding programs, the problems we are really dealing with, when we talk about nutrition and hollow calories, and all the "snap, crackle, pop" fuss about cereals is a question of distribution.

We know how to deal with the politics of production. We are so expert at it that we become bored when we talk about anything else. But Congress has to begin dealing with the politics of distribution.

Production is part of the whole distribution sequence, but until we begin to consider seriously the problems of the farmers, the handlers, the processors, the distributors, the retailers and the consumers, we never really are going to be able to deal successfully with the kind of conditions we have in the school lunch program.

This is really a distribution program. It is a means of distributing nutrition to groups. The retail segment we have now is a system for distributing food to families. Congress has to determine policies relating to distribution, the executive has to administer a program that deals with distribution.

My experience in the executive branch has been that we also tend to deal with the politics and policies, and we don't deal as well as we should with the administration and operation of the programs.

I think the executive has to get back more to the function of carrying out and administering programs.

Senator McGovern. Senator Hart, do you have questions?

Senator Hart. Mr. Leonard, that is fine. We should have this complete understanding of the sequence from production to distribution, but what in heaven's name do you do with a school official who decides that the way to maintain discipline in classrooms is to put the kid on bread and water?

You are saying here that the local practices used by school officials to keep down the number of children receiving assistance boggles the mind. Some use the school lunch program, you said, as a disciplinary measure, withholding food to control behavior.

Unless you have a community sense of outrage at a thing like that, Washington is not going to be able to deal with it.

Mr. Leonard. No, Congress can't supervise the operations of programs in 70,000 schools, but I think the executive branch, with more insistence from Congress, could go to the educational system itself and say that nutrition is important to the education process.

Most professional educators today consider the school lunch program as part of the business side of school. In some schools they use the school lunch program to pay for the cost of financing athletic programs.

In some others, they use them partly to pay for the cost of janitor services. They have to put up with it, but that does not mean they are really going to do anything about making food service work.

It is a problem of attitudes.

Senator Hart. You mean that there are considerable numbers of school personnel who feel that a hungry child is a desirable thing in the classroom, or that it is a matter of indifference, or that it is just a burden they should not be forced to assume, when we give them the food, to make sure the child gets it?

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Mr. LEONARD. Many of them consider it to be a burden. They are indifferent to it.

We do not have today either then in the Office of Education or in the Department of Agriculture a real program of nutrition education. There is nothing that we can point to and say, "here is a curriculum that will allow you to use the school lunch program as a way to demonstrate to children that society cares about them in their school."

To me the lunch program is an integral part of our education program in the United States, but we don't treat it that way. The child comes into society for the first time in an institutional way through the schools.

He learns about society and its institutions first in school, because it is the first institution he comes into. The thing he learns in school is that society, instead of being a giving mechanism as well as taking, is that it takes, and works hard to make sure they don't get anything.

So you could be using the lunch program as a way of telling the child the society cares about him. The way we use it now is to tell him society does not care about him. But we have no mechanism. There is no policy, no program, no curriculum in this area at all.

Senator HART. I don't understand, and I must ask you to clarify your statement on page 9 that over one-third of the lunches did not meet the type A nutritional requirements, which raises the question of whether the Federal Government was being defrauded.

What fraud do you think has occurred?

Mr. LEONARD. The school lunch program operates on the basis that the schools that serve the type A lunch will be reimbursed for that lunch. The regular reimbursement is about 4 and a half to 5 cents per lunch. The special assistance reimbursement through section 11 and section 32 now has been authorized up to 30 cents.

I doubt if there is any legal remedy to this, but it does raise the question that if you are requiring to serve a type A lunch and do not, then you are receiving money under false circumstances.

Senator HART. It is a fraud on the Government, but an even worse hurt to the child.

Mr. LEONARD. Much worse. That is the really serious problem.

Senator HART. Yes. As the chairman said, he does not find anybody booing and hissing him when he says we should have no hungry children. But we still find we are programed in a fashion that leaves many, many hungry children, and I share with him the feeling that if there is any broad support across this country for any proposition, it is that we do subscribe to the concept that we feed the hungry; at least we do when they are children who are not responsible for their plight and who, as children have no means to reverse the society's pattern which produces this tragic situation for them.

Now, I suggested this before, and I raise the matter again, especially in light of your theory that the Congress and the country find hunger a boring subject now:

Would it be possible to ask the Federal Bureau of Investigation to discover communist agents at work in our country devoted to the proposition that the children of this country shall not be fed? If we can find an enemy, then maybe we will feed the children.

Isn't that sort of the way we act too often? We get to the moon largely because the Russians might have gotten there first?

Mr. LEONARD. We always seem to want to have to operate by the devil theory. We need to find the devil.

Senator HART. Do you suggest the possibility?

Mr. LEONARD. I personally don't subscribe to that theory.

Senator HART. You don't subscribe to it, but you acknowledge we react that way, and if you have to adopt the wrong philosophy to get the children fed, where is the devil?

Mr. LEONARD. The devil is our own ignorance, our failure to realize that change makes it necessary for us to change our ways of dealing with the problem.

We say in the country that we produce enough food to feed all Americans and 50 or 60 million people overseas, we accept that as being an automatic solution to the problem of hunger, but it cannot be done simply by assuring that farmers are producing enough to feed themselves and 35 other people.

An awfully lot of distribution hardware that is needed after the food leaves the farm gate.

Senator MCGOVERN. Senator Percy?

Senator PERCY. I think that you put our finger on something that might be considered a scandal, and probably what we are doing is indicting the Congress of the United States.

Maybe the public is bored because they heard a great deal about the subject.

The need was clearly demonstrated. No reasonable person could say that this nation does not have the resources to feed people, and that it is not in the national interest to have malnourishment eradicated, particularly among children. The public may have assumed that once the case was proven that we did something about it.

They just assume that reasonable people possessed with the facts and having the authority to act, would do something about it. But you take the status now. We passed a bill in the Senate for $1.7 billion, a few hundred million dollars less than we would have liked, but $1.7 billion.

This is the fourth month of the fiscal year 1971. Where is the bill? It is not reflected in increased food going out then to the poor. It is in conference still, and we are going on recess now, and for another month nothing is going to be done.

But the system has not worked in that respect and it also has failed to work in other respects. We are going to go on recess, and because of this, we are not going to be given a chance to vote on the SST. We are not going to vote on it, because Senators and Congressmen are up for re-election. They don't want to be put on the record on this issue and, because they don't want to vote on the issue, under the continuing resolution, we will continue to spend $25 million a month for the SST.

While we continue, we don't have money for food stamps. I simply say we have a responsibility to make this system work better. All the framework is there to make it work, but lethargy is setting in, and we have been unable to properly respond.

I think this committee has put its finger on a question of national priorities. The evidence and the hearings clearly reveal the maladjustment in our priorities.

I think your testimony this morning has helped us a great deal.

I would like to ask one question with respect to how many school boards there are that contract out their school lunch programs to food management companies, and how successful has this procedure been?

Mr. LEONARD. I don't know whether anybody knows the actual number. The amount of contracting is relatively small. The State of New Jersey has done the most of any State that I am familiar with.

The volume is increasing, mainly because of the efforts of some of the larger urban areas, Detroit, for example, trying to meet the pressure, respond to public pressure.

Cities have contracted with food management firms to do this. I don't think it is entirely fair to judge their performance under these conditions, because what they are trying to do is to respond to a crisis situation with sack lunches and other kinds of food services which, if you had your choice, you would prefer not to utilize.

I think that the food management approach is one of the key answers to the problems in the urban areas, particularly the urban areas, especially in cities with large numbers of schools that were built then prior to the time school lunch programs were inaugurated. They lack the physical space and the facilities to serve food.

If they served food, it has to be served in classrooms, and teachers don't like to serve food in classrooms.

Senator PERCY. Would it be a more efficient way of monitoring the nutritional content of the lunches?

Mr. LEONARD. If you are serving out of a central commissary, it would be easier to monitor.

Senator PERCY. Has there been enough experience to determine whether it is a lower cost, more efficient way of doing things?

Mr. LEONARD. The technique is what is important there. You are reducing your labor costs, you are cutting out some of the equipment costs.

The advantage that the food management company has is the management experience and expertise, which is sadly lacking in the program now.

I am not sure tnat you can say you know that the private sector is going to be any more efficient. It is just that they have the whip of competition, plus the experience.

So at this point I would say that given the two approaches the food management company probably would come in at a lower cost.

Senator PERCY. Thank you.

Senator MCGOVERN. I want just to underscore what Senator Percy has said. I did not mean to imply for one minute that the Congress can escape its responsibilities and the pledges that have been made to put an end to hunger in the United States. We bear as heavy a burden of that responsibility as the administration does.

I continue to be appalled that the House of Representatives has let more than a year go by without any action on the food stamp reform bill.

Now, it is true that the appropriations to fund the existing unreformed food stamp program have gone to conference, but they

did—they have not enacted on the fundamental reform of our food stamp program.

We were led to believe that if we just waited until the House Agriculture Committee took action on the farm bill that then they would keep faith with us on the food stamp reform bill.

What they did was to pass a lousy farm bill and do nothing on the food stamps reform. So I share Senator Percy's impatience and disgust with the lack of action here in the Congress, but I do think this is a two-way matter, and we have not had the kind of pressure and continued leadership from the administration that was needed, either.

In any event, the gap between what we said we were going to do more than a year ago and what was actually accomplished I think is a great disappointment to all the members of this committee.

Frankly, it indicates the need for continuing surveillance by all of us if we are going to get on top of this problem of hunger.

Senator PERCY. Probably if we had a joint committee on hunger and malnutrition and got a few House Members deeply concerned, as concerned as we have become about this problem, we might have overcome the problem of inaction.

It is just too bad, I suppose, that we did not make this a joint committee.

Senator HART. Mr. Chairman, all of that is fine, and I agree with it, but who is supposed—we have got schools using this program and now you come in and tell us all this litany of horrors.

Who is supposed to have eliminated these things you are talking about, the local practices used by school officials to keep down the number of children getting a lunch?

Some communities set up a quota system. Others use devices publishing names of eligible families in newspapers, announcing over the loudspeaker the names of the children who get free lunches.

These are lunches that are out there. They segregate the children who receive free lunches, serving free lunches on different colored plates to intimidate children. Who is supposed to do something about that?

Some use school lunch programs as a disciplinary program: "Be good or we won't feed you." Some children had wages withheld from farm work. The others had to miss class to work for meals.

Other communities use application forms which, though clearly illegal, are long and complicated and request personal information which is unrelated to the need for nutrition. This is what is going on now. Who is supposed to ride herd on it?

Mr. LEONARD. This is the job of the administrators of the program. This is the job of the executive branch. This is the job of the Department of Agriculture. It is the job of the Office of Education.

Senator HART. That was my understanding. What is their explanation for the sequence of events that you describe?

Is it that they don't have the local personnel, or the local school boards are too tough for them, or do they regard this as a burden we should not have imposed on them?

Mr. LEONARD. In some cases they are not aware of it. My experience is the higher you get in the bureaucratic structure, the less you now

know about the programs you are responsible for. Very often they simply are ignorant of these problems.

Secondly, the Department of Agriculture is an old line agency, the same as the Office of Education. Both are extremely reluctant to try to improve programs by bringing pressure from above and local government.

They believe that whatever local government does is what the local people want, and therefore it is not our job to interfere with it.

Senator HART. How can we express to them our complete disagreement with that concept and their responsibility? How can we tell them that we don't believe that we have authorized a program that will permit service to the poor child on a different colored plate from the child from a home of some affluence?

Senator PERCY. Senator Hart, maybe I could make a suggestion. If Mr. Leonard would give us the names of any schools he knows showing this form of discrimination, this committee would refer those names to the Department of Agriculture and demand action.

I think that would be the simplest way to do it. We have made a general statement.

Senator HART. It is a tragic thing to think you have to assemble a select committee of the Senate to persuade the Department of Agriculture that different plates don't go.

Mr. LEONARD. I think we have—I would like to address myself to that question.

Senator MCGOVERN. You will have to be brief, because we have a rollcall pending here.

Mr. LEONARD. All right. I think the only effective way we can do that is maintain the kind of surveillance system, a system parallel to the administrative structure which reports back to all interested parties as to what is going on in that system, so that not only the administrator of the program realizes what here is going on for the first time, but also Congress and other interested groups in the executive branch.

Secondly, I think the only sure way you are ever going to do that is to do as is being done in some communities—as was done in Detroit—to take the school board to court and say, "This is illegal and it has to stop, and if it is not stopped, there is going to be legal action taken."

That is the only way you root some of that out.

Senator MCGOVERN. Members of the committee, we have a rollcall pending now. I think we will ask Miss Martin, who is our next witness, to hold until we return. This is an amendment offered by Senator Ervin of North Carolina which is pending at the present time.

So we will recess for about 8 or 10 minutes.

(Whereupon, the select committee recessed subject to call of the chair.)

Senator MCGOVERN. The committee will be in order, and our next witness is Miss Josephine Martin, who is the chief consultant to the school food service program, State department of education, Atlanta, Ga.

STATEMENT OF MISS JOSEPHINE MARTIN, CHIEF CONSULTANT, FOOD SERVICE PROGRAM, STATE DEPARTMENT OF EDUCATION, ATLANTA, GA.

Miss MARTIN. Thank you, Senator McGovern. Mr. Chairman and members of the committee, I am Josephine Martin, administrator of school food services for the Georgia Department of Education in Atlanta.

Lunch for every child from a low-income family by Thanksgiving 1970, is a goal made more reasonable by the passage of Public Law 91–248, the adjustments to the National School Lunch Act, a goal difficult to achieve, however, in light of lateness of regulations, uncertainty of appropriations, and restrictions on reimbursements rates.

I wish to thank you, Senator McGovern, and the Senate Select Committee on Nutrition and Human Needs, for your role and influence in the enactment of Public Law 91–248.

We in Georgia take pride in the fact that Senator Herman Talmadge, Georgia's distinguished junior Senator, introduced the original Senate bill 25–48 in the Senate, and we subscribe wholeheartedly to his point of view that education is a key to breaking the poverty cycle; that meeting a child's nutrition needs at school is a necessary part of their educational opportunity.

I feel that it is very appropriate that during National School Lunch Week when the theme is "School Lunch Means Effective Education," that we have an opportunity to talk with you about the operation of the school lunch program.

As only one of the 50 State school food service directors, I have some real concerns about the operation in the future of the national school lunch program. What kind of leadership is needed to motivate school districts to provide comprehensive child nutrition and nutrition education programs for all children?

How can the service and education aspects be coordinated at Federal, State, and local levels to avoid dilution of efforts through fragmentation.

How can we be instrumental in helping USDA perceive the urgency of regulations and procedures which are timely, succinct, and reasonable?

How can we communicate to the Congress and the President the need for adequate available funding if we collectively are to meet school day nutrition needs of children?

How can we utilize the resources of and cooperate with community groups to achieve program purposes?

We stand inside the open door of the 1970's. We have in hand Public Law 19–248 and the recommendations of the White House Conference on Nutrition and 1 month's experience under the new amendments.

We see the needs and the problems facing us in long-range development, but most of all State directors of facing some immediate problems which have surfaced since passage of the amendments, and which must be dealt with expeditiously if we reach the Thanksgiving Day goal.

There are six immediate concerns. One, providing information to school districts regarding free and reduced price lunch requirements.

Two, directions regarding funds available for implementing Public Law 91–248. Three, restrictions by regulation limiting amount of funds paid per lunch. Four, inadequate nonfood assistance funds.

Five, need for financial assistance for child nutrition program to coordinators.

Six, need for positive direction to coordinate nutrition services and nutrition education to provide necessary repetition and avoid unnecessary and undesirable overlap.

These are some long-range needs with implications for immediate action. One, we need a national commitment to child nutrition education programs.

Two, we need a comprehensive master plan for child nutrition and education programs in accordance with the recommendations of the White House Conference on Nutrition, and a timetable for implementing the recommendations.

We need a comprehensive child nutrition act combining the existing act and amendments and filling in the gaps necessary for a complete program.

We need a national structure for planning, developing, coordinating, and evaluating child nutrition programs.

Because of the immediacy of the first six concerns identified and their relationship to operational problems, I should like to discuss these.

To implement the free and reduced price provisions of Public Law 91–248 in Georgia, we are holding a series of 23 meetings throughout the State during the first 15 days of October with superintendents and principals and food service directors.

A kit of materials has been supplied each school system and response to the provisions and information given to these people has been positive. Since Georgia ranked first by USDA statistics in percentage of pupils participating in national school systems lunch programs in the 1969–70 year, you would assume that Georgia school administrators believe in nutrition as an integral part of education.

As further evidence of their belief about school nutrition, it is worth noting that school systems have budgeted approximately $2 million each year from title I funds for free lunches.

During 1969–70 school year, 22 percent of the 146 million lunches were free or reduced. So there is a positive environment for free and reduced lunches for children.

However, school administrators have valid concerns which are being advised in these meetings. One concern is: Are any funds being provided schools and districts to help implement the policies?

Another concern is, are funds available to assist school districts in providing a child nutrition program coordinator.

Implementing the policies will require additional funds and additional staff at the system and school level. Although the provisions of funds for child nutrition programs coordinator would require an amendment to the act, I would recommend the importance of such a position to the implementation of the new amendments, especially the provisions for free and reduced price lunches, nutrition education, training, experimental programs, and developing annual plans of operation.

The time is right for program planning, direction, and coordination. Unless help is provided and standards established child nutrition program effectiveness will continue to vary from school to school, depending on the interest of the principal.

The original bill 25–48 contained a provision for nutrition specialists. If Federal funds provided even one-half of cost for one coordinator for each 20 schools with State and local systems providing the other half, the annual cost would be less than $20 million, and the results would be phenomenal.

As an example, South Carolina has a coordinator in every county, and you will recall that South Carolina has constantly ranked in the top five States in the Nation for effective school food service programs.

Another concern of school administrators regarding implementation of the secretary's income scale for free and reduced lunches is, will there be sufficient funds to finance the same scale? The answer given is assurance that congressional action which provided the mandate has also provided assurance of funding.

The question posed by local administrators magnifies the State level concern for assurance and positive direction from USDA that funds will be available to implement Public Law 91–248. At this moment, States are far from being assured on the basis of congressional action and administrative goal setting of the Thanksgiving goal.

Some confidence was felt regarding funds. Tentative planning figure from USDA based on Senate reports indicated that Georgia could provide reasonable rates to schools. The first letters of credit based on the House version did not contain the increased section 32 funds.

Even more distressing, we are now advised that the letters of credit for September through October 15 will be based on the level of funds available for the same period in 1969, which will mean a 30 to 40 percent lesser amount than anticipated under the 1971 Senate report.

States find themselves in a dilemma, on one hand being told to implement the law and on the other hand having money available at the 1969 level.

Schools cannot provide free lunches that cost 45 to 50 cents to produce when the reimbursement is less than 20 cents per meal.

To really compound the problem in Georgia, when we were notified of the tentative amounts, a 36-cent rate was established for free lunches, and title I applications were adjusted by systems to allow title I funds to pay only the differences between the amount to be paid by USDA funds and State funds and the total lunch cost.

Now the title I funds are reduced, and we are advised that September–October letters of credit will be held to the 1969 level.

What position should a State take? How can planning be effective? Congressman Carl Perkins summed it up succinctly in the remarks of September 21, 1970, to the Education and Labor Committee.

These are a summary of his remarks. While the House and Senate reports have carefully provided for spending at a level to implement Public Law 91–248, there is nothing in the administration of the program either in guidelines or in recommendations which advises states

of the position, and I quote, "It seems to me that States and districts should be advised of congressional intent to fund at the level of Public Law 91–248."

We cannot allow congressional intent to be thwarted by failure of the USDA to administer programs according to the wishes of Congress.

It is my understanding that the problem arises from the interpretation of the provisions of the continuing resolution as to the level of funding that can be authorized.

Some States are bound by State authority to the same rate promulgated in 1969 for the same level of expenditures. School districts cannot feed children without an assurance of funds.

I do not pretend to know the inner workings of the Department of Agriculture or Congress or the Bureau of the Budget. However, I am very much aware of three things. One, that the appropriations bill is pending. Two, that the States have limited information and assurance pertaining to funds by 1970–71, and three, that the States are in a precarious position and need direction and assurance.

As States try to implement the new amendments, the funding problem is compounded. The national income poverty guidelines will make more children eligible for free and reduced lunches and one Georgia district estimates a 25-percent increase in eligible children.

Another one estimates 3,500 to 5,000 children not presently eating will be eligible under the new guidelines. This last school district is already serving 80 percent of the pupils, and last year served 17 percent free and reduced.

We have just completed a preliminary incomplete study of September reports in Georgia, and these reports indicate that 15 percent of the meals served in September were free and 3 percent reduced.

This compares to 24 percent of all lunches served in May, 1970 being free or reduced.

The September decline in free and reduced lunches identifies a problem which can only be solved by providing lunches to all children. With the amount of paperwork, applications, reviews, notifications, certifications, whatever you call it, involved in establishing eligibility there is a lag in getting lunches to needy pupils.

Although we speak with assurance to local school administrators regarding financing the national income scale, there is imbedded in us that feeling, why don't we have an appropriation or assurance of funds?

Should we tell schools to withhold implementation until funds are assured? Will we be faced with another embarrassing situation as we have had with the special milk program, when the appropriation was provided and we had no instructions about the use of the special milk money?

Children are hungry, the laws, the intent, the appropriation are there. Their needs to be a means to get us out of the dilemma with which we are faced. The funding predicament vividly demonstrates the need for implementing the advanced funding provisions of Public Law 91–248.

Another immediate concern for regulation has its rules in regulations 210.11 which contains several roadblocks which will make them

virtually impossible for States to administer child nutrition programs in such a way that all needy children will be reached this year.

The most notable road block is 210.11. (a) of the regulation, which requires States to pay 12 cents from general cash for food assistance funds for all meals in a school before permitting States to pay above 30 cents from special assistance funds for free or even reduced price lunches.

This particular regulation will seriously impair the ability of at least one State in the Nation in its use of State funds for school lunches. The requirement will result in section 4 or general cash for foods assistance funds being diluted.

It will force States to pay a higher rate for nonneeded lunches, and dilute the States ability to assist the maximum number of needy pupils.

The regulations need to be changed to permit the States to pay up to 60 cents where justified, from the funds that are available.

Increased participation, conversion from a la carte to type A, reorganized schools because of integration, place a heavy burden on schools with existing facilities.

There is an urgent need for release of nonfood assistance funds. Congressman Perkins recent survey of the States indicated 17,000 schools with no food service facilities.

Funding of nonfood assistance at the level of authorizations in Public Law 91–248 is a prerequisite to achieving the goal of serving all children.

The final immediate concern is the need for coordination and direction of all the components of nutrition programs. The national focus on nutrition and hunger has created a new interest in nutrition education by governmental agencies and the private sector, with resulting fragmentation.

If nutrition education is to be effective in breaking the poverty cycle and improving food habits, coordination is essential.

The initiation of a Federal master plan, cooperatively developed, child centered, and education oriented should establish the framework coordinated programs.

School food service directors have espoused the need for nutrition since 1946. As a matter of fact, congressional records for 1945 and 1946 bear out the need for nutrition education efforts with the school lunch program.

Nutrition teaching will be more effective when correlated with school food service programs.

Immediate concerns are which are obstacles in the task of implementing Public Law 91–248 must not over shadow the long range needs, because we must begin now to plan for the comprehensive child nutrition and nutrition education programs.

Preliminary reports of the national school food service finance project conducted at Florida State University propose several models for a universal food service and nutrition program.

The report also reflects dramatically the need for dynamic leadership at the State and national level in planning and programing child nutrition services in accordance with the predetermined goal and commitments.

Many educators believe that a low-cost lunch for needy children should be an intermediate step in a goal for a universal lunch program.

A few days ago the superintendent of schools in West Virginia announced a new low-cost, with 15 cents being the top price, lunch program for paying children and free lunches to needy children.

Dr. R. L. Johns of the University of Florida advocated 20 years ago that children should pay no more than the cost of food with operating costs being paid from public funds.

The Nation is interested in child nutrition. The time is now for eliminating the roadblocks and developing a viable master plan for the decade.

Educational specifications must be written, necessary laws must be passed, cost projects made and funds appropriated. Although the major part of my remarks dealt with immediate problems confronting the State directors, there is the urgent need for comprehensive planning and action.

Thank you for permitting me to testify today. I wish to express appreciation to you and to the members of this committee again for your influence in the progress that has been made in the expansion of the child nutrition program.

Thank you very much.

Senator McGovern. Thank you for your statement, Miss Martin. We appreciate your presenting it to this committee.

I was curious as you were reading your statement as to whether the Department of Agriculture has indicated to the States that you are authorized to spend at the funding level in the Senate-passed appropriations bills.

Has there been any communications to that effect?

Miss Martin. No, sir.

Senator McGovern. If the State programs are not scaled to meet the full need, is this due to a hesitancy on the part of State officials to employ a budget that commits them to a usage of funds that they feel are not clearly forthcoming? Is that the nub of the problem?

Miss Martin. This is part of the problem. Some States are limited by State authority to living within the amount of money the letters of credit. Some of us are being very bold and, believing that we are going to get the money, we have promulgated the rates of reimbursement in accordance with the new regulations.

Senator McGovern. There came to my attention the other day the kind of application form that is used in some of the school districts for students that are applying for free or reduced price lunches. I am not going to read the whole form, but here are a few of the questions that are directed to the parents for determining the child's eligibility.

First, does the family own a car, if so, what make and model?

Secondly, what is your monthly house rent?

Third, have you paid for your school books and other school fees?

Also, a request is included for reliable references, who could be contacted concerning the family's financial status, their character, work and so forth, and then the parent was asked to complete a paragraph that opens this way, our reasons for making application for free lunches are, and then the parent is asked to submit a statement

in some detail as to the reasons why they are requesting free or reduced price lunches.

As a person who has been one of the more successful administrators in these school lunch programs, what is your reaction to application form of that kind?

Miss MARTIN. My reaction is that the questions are completely irrelevant. I also believe that some of the irrelevancy will be—well, that the irrelevant questions will be eliminated on the application which will be a part of the new policy statement to be completed by local school systems.

The new USDA regulations are explicit in the information to be included on the application. The Department of Agriculture has also provided a prototype kit to States with a sample application.

The USDA prototype kit came in one day last week, but in Georgia, for example, we have developed a kit with this much information to local school systems about writing their new policy statement and preparing attachments to go with the policy statement.

We have included in this kit a sample application, and in this series of meetings we are advising school administrators that the irrelevant questions cannot stay on the application here.

So it seems to me that positive direction and leadership from the State departments of education to local school districts; it seems to me also that assurance to local school administrators that funds will be available to meet the needs of all eligible children will help to eliminate some of these questions.

In all fairness, and I am very much opposed to the irrelevant questions, but we must face the fact that the school food service programs have never been adequately funded, and that the local school administrator has had to make a very difficult decision of deciding which of the children are applying for the lunches were the neediest: and in my judgment the majority of the principals or the majority of the applications asking that type of question were written with sincerity, but unfortunately, they were the wrong kinds of questions to be included.

But I do believe, or at least for the school administrators in Georgia—and we have had some unfortunate applications, also, which I hope we won't have a repeat of—that the school administrators were trying very diligently to identify the children who were the neediest and to make the best use of resources.

Now if we have the funds available and can assure the local school administrators that the funds will be available, and that it is really not up to them to pass judgment on the information that is contained on the application, that they will accept this information and provide lunches for the children.

The policy statement will also provide for a hearing procedure in the event that the families are not satisfied with the decision. It will provide for a challenge procedure in the event that the school administrators suspect fraud on the part of the applicant.

But in the meantime, while the application is being appealed or challenged, the child will be receiving lunches.

Senator MCGOVERN. Thank you very much, Miss Martin.

Senator Javits, do you have questions?

Senator JAVITS. Thank you, Mr. Chairman.

Miss Martin, I don't know whether you were here when Mr. Leonard testified about the way in which local practices are being used to keep down the number of children who are entitled to lunches. He used the phrase, "to keep down the number of children receiving special assistance boggles the mind," referring to a local practice used by school officials.

Have you had any such experiences?

Miss MARTIN. To my knowledge, we have not had any such experiences in the State. We have had some experiences reported, but upon investigation we have been told that these were not being—were not actually—that the school was not actually guilty of the accusations.

Senator Javits, again, it seems to me that the local school administrators have been burdened with—well, I don't know that I really want to say "burdened"—local school administrators have had the responsibility of providing lunches to children, but they have not had sufficient funds.

There has been fragmentation of effort, and I don't think there has been a real national commitment on the part of all education officials that school lunch is an integral part of the total educational program.

Unfortunately, I fear that because of this lack of national commitment that school lunch is a part of the total program, some local administrators have, unfortunately, perceived this as a burden.

But I would quickly add that this comes from the other States, that our State board of education in the early 1950's established school food service as a priority in school building programs, and consequently facilities were provided in all schools in Georgia.

Senator JAVITS. Based upon what you have just said, regarding lunches being an integral part of the education process, could you give us any view on school breakfasts?

I have offered a bill on school breakfasts—S. 4104—and I would appreciate very much your views how that would fit in.

Miss MARTIN. Breakfast is one of the most important, if not the most important meal of the day, and many children come to school without breakfast, because there is no food at home or no one to prepare the food.

In the 100 breakfast programs that we have operating in Georgia we have testimony after testimony from principals and teachers that breakfast makes a decided difference in the performance of children in the classroom, that, as a matter of fact, some teachers have said that after children have had breakfast at school and they have had the privilege of teaching children with breakfast, that they would, if they had to choose—and this is very difficult for one who really believes in school lunches, you know to repeat, even—if they had to choose between breakfast and lunch that possibly they would have to take breakfast, because they can see such a difference.

Of course, in my judgment, it should not be one or the other, but if a child needs breakfast, then breakfast should be provided and all children who are in school during the lunch hour should have lunch at school.

Senator JAVITS. To what extent is breakfast made available now in the schools that you supervise?

Miss MARTIN. We have approximately 100 schools in Georgia with breakfast programs.

Senator JAVITS. Out of how many?

Miss MARTIN. Out of 1,850 schools. We have met resistance in the initiation of school breakfast programs.

Senator JAVITS. On the whole, would you favor a Federal program for breakfasts?

Miss MARTIN. Yes, sir. I think that one of the problems for the breakfast program—one of the reasons for resistance is that we are limited to paying 15 cents per breakfast, and most of the children who are having breakfast at school come from low-income homes, and do not have funds to pay for any part of the breakfast program.

Therefore, the school has to have some additional revenue from other sources in order to finance a breakfast program. Or either the school lunch program must absorb the operating costs of the breakfast program.

In my judgment, if we had some Federal assistance with labor costs, and the school administrators were assured that this would not create an additional financial burden on the school lunch program, that we would have many more breakfast programs.

Senator JAVITS. I thank you very much. The bill that I have introduced does make that provision, and we will do our best with it. I am very glad to have your opinion.

I join you, our chairman, and other members who have expressed very strong feelings on this matter before I came, but limiting ourselves to protest and dismay over the tie-up of funds in congressional imbroglio does not do the children and the school district any good.

I have a report here from Buffalo, N.Y., saying that as of November 20 they are going to run out of money, and don't know where to turn. They are now serving 21,000 free lunches every day.

Therefore it is very, very serious. I would also like to reiterate how appalling it is to believe that after the great interest given by the Nation to the problem of hunger and malnutrition, that apparently now—unless a major effort is made to the contrary—apathy has obliterated the problem.

Senator McGovern took up this battle, and I think it is one of the most noble fights that has ever been waged in this country.

Yet, now we face a condition of apathy. I join you in the feeling that teaching education and personal hygiene are just as critical to the child as learning the three R's.

I can only assure you, Miss Martin, that you are one of those unsung heroes with which, thank the Lord, our country is abundantly blessed, and we will do our best to earn your esteem for what we accomplish in the school lunch and breakfast programs, as well as in the whole area of hunger and malnutrition. While the country may temporarily forget this problem, I am sure we will find another way, another opening, at another time in which to awaken them anew and obtain results.

Thank you, Mr. Chairman.

(The document referred to follows:)

AUGUST 5, 1970.

HON. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: Thank you for sending me copies of the proposed School Lunch Regulations.

As the ranking Republican member of the Select Committee on Nutrition and Human Needs, I commend the Department for taking the unprecedented action of distributing the proposed regulations for comment on such a widespread basis in such a relatively short period of time.

I have a few comments and suggestions which I trust will have your consideration. I believe that they would significantly improve the implementation of P.L. 91-248 as intended by Congress as well as hasten the fulfillment of the President's objective of providing every needy child with a free or reduced price lunch by the end of this year. My comments and suggestions are offered with the intent of eliminating any doubts or ambiguities which might arise in the interpretation of the regulations at the local level which might weaken or abrogate their effect. In all instances, interpretation at the local level should result in greater access to the program by needy children.

Although the proposed regulations (§ 245.1) state the Congressional intent that the Secretary prescribe income poverty guidelines the exact guideline figure to be used is not stated in the regulations. I believe that the clarity of the regulations would be improved if the exact figure established ($3720 for a family of 2) were included in the regulations or, if not, then I hope that the poverty guideline will be made available and provided to everyone receiving or requesting the regulations. This would allow everyone interested in the School Lunch Program to have the specific income guidelines readily available.

Furthermore, I hope that the standards which the Secretary will prescribe will embrace all needy children in states such as New York where the cost of living generally is higher than in other states. It is important that the regulations be flexible enough to allow families whose income is above the set guideline in high cost of living states but yet is low enough in those states to qualify them for state and Federal welfare programs, to have their children receive free or reduced price lunches. I trust, also, that there will be no ambiguity such as to allow school authorities to exclude needy children who are eligible under the prescribed guideline.

Regarding eligibility standards, (§ 245.3), I trust that this provision will be used *only* to assure that all needy children receive free or reduced price lunches and will not be interpreted by local school authorities—either because of bias or parochialism—to create conditions of eligibility that will exclude needy children whose families' income is within the Federal poverty threshold as set by the Secretary. I believe that the regulations should not leave room for doubt in this critically important area and that they should be interpreted as being *enabling* and not *exclusionary*. This can best be achieved by the affidavit being the basis of a determination of eligibility.

Also, The New York State Department of Education, having reviewed the proposed regulations, has submitted comments. The following suggestions are based upon these comments:

1. That the apportionment formula (§ 210.4d) not be interpreted so as to prejudice negatively those states which have high costs of living and which have exhibited good past performance in providing free and reduced price lunches. For example, under the old formula, New York State received last year 14% of the national allocation of funding for special assistance and under the proposed regulations formula could receive only as little as 5%. In view of New York's past performance (providing over 68 million free lunches per year in New York City alone), I would hope that some provisions can be made so that if there are unused funds from other states that such funds would be given to states such as New York, which have exhibited fine performance in the past, so that their allocation of funds for special assistance would not be so severely restricted; and

2. That reports referred to in (§ 210.14g) allow for the unique time considerations of large districts such as New York City where monthly reporting would create major problems to school authorities; and that provisions should be made for such states and districts to have a reasonable time period based upon the particular circumstances such as the size of the school lunch operation.

The foregoing suggestions will be further explained when The New York State Department of Education submits its own comments on the proposed regulations directly to your Department within the next few days. I would appreciate your giving New York State's comments every consideration and will await your response to my suggestions.

Sincerely,

JACOB K. JAVITS.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., August 20, 1970.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of August 5 and your comments on our proposed school lunch regulations.

We also appreciate your commendation on our issuance of the regulations as proposed. With schools opening in early September, we made the decision with full knowledge that it would leave State educational agencies and local school officials only a brief time to be informed of the details of the new regulations and to take the necessary State and local actions to place them into effect. Yet, we felt that course of action to be in the public interest. The broad representative response we have received and the depth, variety and thoughtfulness of the comments, have been most gratifying.

Any regulations, of course, can best be evaluated under operating experience. We believe it is essential that schools know the details of the regulations prior to the opening of school so they may plan to meet their increased obligations as rapidly as possible. We intend to make a continuing evaluation of operations during the first year of the new regulations and we will be urging others to undertake their own evaluation and report their findings for our benefit.

As you know, the Secretary has made his determination with respect to the income poverty guidelines. They were published in the Federal Register on August 7 and copies were mailed to all the concerned individuals and agencies to whom the proposed regulations were sent. Use of the guidelines is not mandatory until January 1, 1971, but many States have indicated they would prefer to use them (or a more liberal standard) from the beginning of the school year.

Your comments and those of the New York State Department of Education on the proposed regulations are being given thorough consideration along with all the other comments and suggestions received. Thank you for taking the time to make your observation and comments.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

[From the Congressional Record, July 21, 1970]

S. 4104—THE SCHOOL BREAKFAST ACT OF 1970

MR. JAVITS. Mr. President, for myself and Senators MCGOVERN, BROOKE, GOODELL, HART, HOLLINGS, KENNEDY, PELL, SCOTT, and SCHWEIKER, I introduce a bill entitled "The School Breakfast Act of 1970."

This bill would expand the school breakfast program by:

First, establishing the same national eligibility standards for free and reduced price breakfast as the Congress recently enacted for the school lunch program in H.R. 515—all children at poverty level would receive free or reduced-cost breakfasts. In addition, the bill also would require that free or reduced-price breakfast be served to children from families eligible for financial assistance under Federal or State welfare programs;

Second, making the program permanent—it is due to expire at the end of fiscal year 1971 unless the authority is extended;

Third, directing all schools having a school lunch program to participate in the breakfast program after July 1, 1972, unless the Secretary determines that such participation is not possible or is not necessary to meet the nutritional needs of children in the school;

Fourth, increasing the authorization in fiscal 1971 from the current $25 million to $100 million, and to $200 million in fiscal year 1972, and such as amounts as necessary for each succeeding fiscal year. Such an increase would provide a funding authorization to feed approximately 2.2 million children by fiscal year 1971 and 4 million by the end of fiscal year 1972—at present only approximately 450,000 children are receiving breakfasts and there are at least 6 million needy children in the United States;

Fifth, empowering the Government to pay the full cost of breakfast programs in the neediest schools;

Sixth, directing the Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare, to utilize fortified and enriched

foods in the breakfast program where necessary to meet known nutritional deficiencies of children.

Seventh, requiring schools to report to State education agencies each month the average number of recipients of free and reduced-cost breakfasts during the immediately preceding month as well as provide twice a year estimates of the number of children eligible for free or reduced-cost breakfasts; and require State education agencies to report to the Secretary of Agriculture each month the average number of children who received free and reduced-cost breakfasts during the immediately preceding month in the State as well as require a statewide estimate twice a year of the number of children eligible for free or reduced-cost breakfasts—same reporting as in recently enacted school lunch bill, H.R. 515.

Eighth, directing the Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare and Director of the Office of Economic Opportunity, to conduct nutrition education programs utilizing mass media and audiovisual systems.

The President recently signed into law Public Law 91-248 which greatly expands the school lunch program and requires that all needy children shall receive free or reduced-price lunches. This law will go a long way toward fulfilling the President's commitment to feed 6.6 million needy children free or reduced-price meals by the end of this year.

However, I believe that we must not stop with expansion of the lunch program alone; we must continue with significant expansion of our school breakfast program, as well. A lunch alone is not sufficient for the poor child who in many instances has no breakfast at home and must go from dinner in the evening until lunch at school before he has a nourishing meal. This 18-hour timespan is unsatisfactory, even for an adult.

We must not tell the hungry child he must wait until lunch. He cannot learn, cannot be responsive, and is often apathetic when he is hungry. Also, he may often be disruptive in the classroom and classified as a "problem child" when the only problem is an empty stomach.

Therefore, I believe it is essential that both breakfast and lunch be provided to needy children. Preliminary findings of studies currently being conducted at the Tulane University Medical School in New Orleans suggest that feeding both breakfast and lunch to children provides benefits and yields responsiveness in the classroom to a significantly higher degree than does either meal alone.

It is my belief that just providing one meal to the needy child serves only as a "holding action" and only sustains him without any significant gains and improvements. We cannot hope to correct any problems of nutritional deficiencies in children as pointed out so vividly in the National Nutrition Survey by providing only a lunch—that is, only five meals a week instead of a possible and necessary 10. We must do all that we can to see that needy children get what is necessary to better their nutritional status and thereby improve their capability as students and future citizens. We are only deluding ourselves if we continuously provide funds for education when malnutrition remains a constant impediment to the successful use of those funds for improving the education of poor children. We must concurrently provide funds and programs to eliminate the crippling and devastating problem of hunger and malnutrition. This bill will go a long way toward meeting that objective so that our most precious resource—our children—will be guaranteed at least a firm nutritional foundation on which to make of themselves whatever their ambition, character, and vision will allow.

Mr. President, I feel that expansion of the school breakfast program is the next essential step in the fight against hunger in America which has seen so many advances during the past year.

I see the distinguished Senator from South Dakota (Mr. McGovern) in the Chamber. As chairman of the Select Committee on Nutrition and Human Needs, on which I serve as the ranking minority member, he is to be commended for his many outstanding efforts to eliminate hunger from our Nation and I am pleased that he is a cosponsor of this bill.

Mr. President, I ask unanimous consent to have the bill printed in the Record and I hope very much that it will have early sympathetic consideration by the Senate.

The Presiding Officer (Mr. Fannin). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4104) to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes, introduced by Mr. Javits (for himself and other Sena-

tors), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4104

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Breakfast Act of 1970."

"SCHOOL BREAKFAST PROGRAM AMENDMENTS

"SEC. 2. Section 4 of the Child Nutrition Act of 1966 is amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATIONS

"'SEC. 4. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $100,000,000; for the fiscal year ending June 30, 1972, $200,000,000; and such sums as may be necessary in each succeeding fiscal year to enable schools to initiate, maintain, or expand nonprofit breakfast programs for school children.

"'APPORTIONMENT TO STATES

"'(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"'STATE DISBURSEMENT TO SCHOOLS

"'(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the State educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"'NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"'(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary, after consultation with the Secretary of Health, Education, and Welfare, on the basis of tested nutritional research. Such breakfasts shall also include such enriched and fortified foods as the Secretary determines, after consultation with the Secretary of Health, Education, and Welfare, appropriate to meet known nutritional deficiencies of the children receiving such breakfasts, without regard to whether such foods are in surplus supply. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but by January 1, 1971, any child who is a member of a household which either (1) has an annual income not above the applicable family size income level set forth in the income poverty guidelines, or (2) is eligible for financial assistance under a Federal or State public welfare assistance program shall be served meals free or at a reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household.

"'NONPROFIT PRIVATE SCHOOLS

"'(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.

"'BREAKFAST PROGRAM PARTICIPATION

"'(f) After July 1, 1972, any school participating in the school lunch program under the National School Lunch Act shall be required to participate in the school breakfast program provided for under this Act unless the Secretary determines that the participation of such school in the school breakfast program is not possible or is not necessary in order to meet the nutritional needs of the children attending such school.

"'REPORTS

"'(g) (1) Each school participating in the school breakfast program under this Act shall report each month to its State educational agency the average number of children in the school who received free breakfasts and the average number of children who received reduced price breakfasts during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price breakfast.

"'(2) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free breakfasts and the average number of children in the State who received reduced price breakfasts during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price breakfast.'

"NUTRITION EDUCATION PROGRAMS

"SEC. 3. The Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, shall conduct programs of nutrition education by mass media and audio visual systems. There is hereby authorized to be appropriated for the conduct of such program $2,500,000 for the year ending June 30, 1971, and such amounts as may be necessary for each succeeding fiscal year."

Senator MCGOVERN. Senator Percy.

Senator PERCY. Miss Martin, could you describe the operation of a free breakfast program of a school that has one in your State?

Miss MARTIN. Yes, sir. The school breakfast programs in Georgia are operated in schools that have school lunch programs, and the school breakfast program is operated as an extension of the school lunch program.

The same personnel operate the breakfast programs. They generally come in 1 hour earlier, or part of the personnel comes into the school about an hour earlier than they would normally come in to prepare the school lunch.

The menu for the school breakfast program ranges all the way from a quick-type breakfast with cereal, milk, fruit juice, to the strictly Southern breakfast, you know, with fruit and biscuits and eggs and bacon and milk.

So we have the full gamut. Most of the schools have menus that are a combination——

Senator PERCY. No grits?

Miss MARTIN. Oh, yes. I am sorry. We always have grits. That is sort of an unspoken item on the school menu. I am really kidding, but many of the schools do serve grits. They have a full breakfast, and I have visited some schools, and would love to have each one of you go to a school breakfast program with me, because there is nothing more exciting than going into a school and seeing the

sleepy eyed little children coming in without breakfast, observing them have their food and literally some of them licking their plates to get the last bit of egg or grits or cereal or what have you, and seeing them come awake as if they suddenly had a shot of a magic food, because their eyes open up and they are bright, they go into their classrooms full of energy—alert, and ready for learning.

Senator PERCY. Do you see a noticeable difference in their receptivity for learning?

Miss MARTIN. Of course; I have not actually had the experience of going into the classroom and teaching the children who had had breakfast, but I have talked with many principals and teachers, and they tell me that there is a noticeable increase in receptivity to learning; yes, sir.

Senator PERCY. It is just an accident of birth that a child happens to be in a school district that has this type program, isn't it; a sort of a happenstance?

Miss MARTIN. Yes, sir.

Senator PERCY. Do you feel, looking at our national priorities and where we put our resources, that in your judgment and your own personal experience this would be one of the highest priority programs, to have adequate school lunch and breakfast programs where it is needed?

Miss MARTIN. Yes, sir.

I believe that child nutrition should be one of the highest priority items.

Senator PERCY. Do you think that you could convince a rock-ribbed conservative that this is an investment in the future citizens of the country, and that we cannot afford not to make the investment——

Miss MARTIN. I would surely try to prove this to a conservative. I would like to have the opportunity.

Senator PERCY. Were you heartened when the President made his announcement that by Thanksgiving we would have a hot lunch program for every needy child in America?

Miss MARTIN. I was heartened and excited, because I felt this was the most direct positive commitment that we have had from a President of the United States, setting a specific time to achieve a goal, and this is what we need to do.

We must set some time to achieve goals and work toward those. If we say every child could have school lunch, and everybody buys this and believes this, but to say every child should have a school lunch, every needy child should have a school lunch by Thanksgiving day, this is something very positive and gives us something to work toward.

Senator PERCY. I thought it was an act of statesmanship by our chairman to be so laudatory of the President when he made this announcement, and I think it proves the bipartisan nature of our approach to this nonpartisan subject.

The President requested a doubling of the school lunch funds, a request of 211 million dollars, and that $211 million request is languishing in the conference committee. The committee has promised that action will be forthcoming, but that does not help the children that have started programs at the beginning of this school year, and it will not then help them until such time as it is approved, signed into law and then implemented, which takes many months. I apolo-

gize to you for the fact that the progress, although the President has said that we are going to have a program and although he has asked for the money and put it in the official budget, that somehow the Congress can't move fast enough to respond to the needs of our children.

The present Administration is committed to the task of ending hunger and malnutrition in America. The Administration feels that the fact that hunger and malnutrition should exist in a land such as ours is embarrassing and intolerable. But the accomplishments of the Administration must be measured in terms of just more than rhetoric. On May 14, 1970 the President approved Public Law 91-248 which had the full support and backing of the Administration. This is undoubtedly the most enlightened piece of legislation on child feeding since the passage of the National School Lunch Act in 1946. For the first time it adds real teeth to the requirement that needy children be fed free or at reduced price. The budget request for all child feeding programs has increased dramatically during the current Administration. During the 1969 fiscal year the total amount of funds available for all child feeding programs was $622,458,000. During 1970 this figure was increased to $718,606,000. And for the current fiscal year the Administration is supporting a budget request of $936,214,000.

The best way to determine accomplishments would be in the number of children that we are reaching under the National School Lunch Program. During 1969 we reached 20.1 million children. In 1970 this was increased to 20.9 million children. And for the current fiscal year we are estimating that 25 million children will be served under the program. What is more important, the total lunches served free or at reduced cost during 1969 amounted to 15.1 percent of all children participating in the program. During the 1970 fiscal year free and reduced price lunches increased to 20.5 percent, and during the current fiscal year we expect to serve over 25 percent of all lunches free or at reduced price.

By Thanksgiving the Administration hopes to be serving all needy children in schools which have a lunch program. The Administration has asked for a substantial increase—$10,261,000 in 1969; $15 million in 1970; and $16,110,000 in 1971—for equipment funds to help those schools and service institutions which cannot take advantage of the various programs simply because they are too poor to finance the cost of the necessary equipment.

I just wonder what in heaven's name is more important than that priority, and I take it from your testimony you agree fully that this should be a matter of highest priority. I hope it will be on the conscience of every member of Congress that has delayed this program when they go home for a recess tomorrow.

(The transcript of the White House press conference follows:)

THE WHITE HOUSE, PRESS CONFERENCE OF RON ZIEGLER, PRESS SECRETARY TO THE PRESIDENT; DR. JEAN MAYER, SPECIAL CONSULTANT TO THE PRESIDENT; EDWARD J. HEKMAN, ADMINISTRATOR, FOOD AND NUTRITION SERVICE AND JOHN PRICE, EXECUTIVE SECRETARY TO THE URBAN AFFAIRS COUNCIL

Mr. ZIEGLER. Ladies and gentlemen, as you know, President Nixon appointed Dr. Jean Mayer, Special Consultant to head up the White House Conference on Food, Nutrition and Health on June 11.

The White House Conference was held here in Washington on December 2, 3 and 4, and Dr. Mayer met with the President this morning to present him with the report of the White House Conference.

As the President has said, he is very interested in following up on the White House Conference, both in the short term and long term, by action.

Dr. Jean Mayer is here this morning to discuss some of these actions with you. Also present is Mr. Ed Hekman, Administrator, Food and Nutrition Service, of the Department of Agriculture. He has been working very closely with Dr. Mayer.

The President made clear this morning that he wanted Mr. Price of the Urban Affairs Council to continue to stay in close touch with Dr. Mayer as a part of the follow-up to the White House Conference on Food, Nutrition and Health.

Dr. Mayer?

Dr. MAYER. I think those of you in the Conference also met my deputy, Jim Grant, who did all the work, who is hiding by the door.

The purpose of this morning's meeting, is first of all, to report to you that I gave the President the report in three large volumes of the White House Conference. You have my letter of transmittal. It describes the White House Conference, its composition, its work, its recommendations. I would like to call your attention particularly to the last two paragraphs.

The first of the last two is, I think, an expression of what a great many, as far as I can see, most participants of the White House Conference feel as having been really one of the milestones of the meeting, the fact that so many people who were so different in so many ways got together and had compassionate discussions, did agree on a number of issues and did agree on programs which ought to remove hunger and malnutrition from our country.

All of the people who went to the Conference, I think, reported change, and I received hundreds of letters since the Hunger Conference of people telling me to what extent they had been changed in their viewpoint by the Conference.

The last paragraph is one which tells the President something he knows, by which I think we will be emphasizing, namely, that I don't think there has been ever a White House Conference in history which was as free, as non-partisan, as unencumbered by administrative fetters as the White House Conference.

The President gave me a big responsibility for the White House Conference. There was no attempt to inject any schedule, any particular individuals, any strain in the Conference. The Conference was a free gathering of as broad a cross section of Americans as I think has ever taken place in Washington.

We get now to the more important part of this meeting, which has to do with the follow-up.

First of all, the immediate follow-up of the Conference: You will all remember that the Conference expressed a great sense of urgency about the problem of hunger and malnutrition in the United States, and that, as a matter of fact, six members of the Conference came to see the President to be the interpreters of the Conference with the President on that sense of urgency.

I am very glad to be able to say that so much has happened since the Conference in addition to some of the important measures that had taken place before. I have no hesitation in saying that this Administration, this year, has done a great deal more to solve the problem of hunger and malnutrition than any past Administration, or any group of Administrations in the past.

With the passage of the Administration's bill on food stamps, I think the bulk of the work that really needed to be done will have been done.

I may add that six members of the Conference who came to see the President have asked me to tell the President, and I have, that they were extraordinarily pleased by the steps that had been taken and considered them very, very important.

Let's go together briefly over those steps which are in the second piece of paper that you have been given.

The first two items are extraordinarily important and new as regards the School Lunch Program. They, as you know, when this year of 1969 started, we had the situation where in effect only one-third of the children of the nation who are under the poverty guideline were in fact served by school lunches.

One of the main reasons advanced for their not having any school lunches was that they found themselves in old schools, particularly in the urban core, in which there were no school lunches, no cafeterias, and therefore no possibility of serving them a decent lunch.

The fact that all of us travel in airplanes can be served a perfectly good lunch at 600 miles an hour, five miles up, was by technology, which is obviously familiar to caterers, was something which could not be brought to bear to solve the problem of school lunches for poor children.

You will see from items 1 and 2 that the measures which have been taken by the Department of Agriculture are going to bring free and reduced priced lunches to the 6.6 million needy children in the nation's schools, three times as many as last year.

And that, furthermore, this will be accomplished by Thanksgiving of 1970 with the plans and the execution going full speed as of now.

This is being done in two ways: First, by a massive technical assistance to schools which need equipment, which has already increasing participation by a very large number, and perhaps more inevitably, the fact that the Department of Agriculture is now going to work fairly massively with caterers and people who can distribute school lunches, so that school lunch programs will go on in all areas where they hadn't had them.

The necessary guarantee, both from the point of view of nutrition, and from the point of view of administration, are built into the regulations, which will require having the same sort of competent dietitians for school lunch managers for those catering lunches, as has been true in the past.

You have seen in last week's release that the price of food stamps has been massively decreased while at the same time, the amount of food stamps that a family can get has been enormously increased from $70 to $106. The Department of Agriculture is proceeding extremely fast in the development of this plan. You understand what it means. It means that a family can now get $106 worth of food stamps for $22, and can get $26, roughly $26.50 worth of food stamps per week for $5.

The new schedule is arousing great enthusiasm, and I was talking yesterday to Assistant Secretary Lyng who tells me that the people in the field are working very hard so that in several states the program will be implemented as of the first of January, and that all indications are that the participation in the Food Stamp Program is going to be increased considerably from 16 percent so far to an enormous percentage.

Furthermore, OEO has been instructed to help those families which cannot meet the small amount of money which will still be necessary until such time as the Administration's Food Stamp Act or bill is passed, so that we will make sure that no one starves because they can't buy the food stamps.

Another important new step is that the Department of Agriculture is now using Section 32 for local administration of food programs.

This means a very much easier participation for all the countries which did not have food assistance programs. There are 290 countries which at present do not have food assistance programs. All of them will have a food assistance program by the 30th of June, and it is expected that the near totality of them will have the Food Stamp Program, because the new Food Stamp Program is extraordinarily desirable from the standpoint of counties and counties which were reluctant to have it have signified that they are now interested under the new conditions.

There is an effort to increase the outreach to make sure that everybody understands the new program and will take advantage of it. A massive effort is going to be made to, in particular, penetrate the Spanish-speaking population, both our Mexican-American fellow citizens, and our Puerto Rican-American fellow citizens, so that they will understand where, how and so on they can take advantage of the new program.

An effort will be made through OEO to involve churches and other voluntary organizations to help in the certifying and in the transportation of people and commodities, if need be.

The 3,000 investees present at the White House Conference, incidentally, will be recruited. The Secretary of Agriculture is writing to them asking them to see how things are in their county, in their area, and suggest improvements on how to operate better programs.

Finally, our recommendations also acted on at the Department of Health, Education and Welfare, which is completing, as you know, a number of surveys that they had underway and at present, there is very active consideration of an overall program for the surveillance of the state of nutrition of the American population by HEW.

Q. Dr. Mayer, I would like to ask you a question as to whether this statement of numbered items is in any way responsive to the things that the White House Conference asked for.

To begin with, you say the joint statement of the Conference, in your letter to the President, was presented for a vote to the Conference as a whole, not for the specific approval of all points, but for a general expression.

Whose understanding is it that it was not for a specific approval of all points?

Dr. MAYER. It was a very general understanding. I made the point myself before the vote was taken. I pointed out in particular, to give one example, that a very large part of the Conference, including the Health Task Force, was very much opposed for the time being to free school lunches for children who did not need to have them free, that everybody wanted free school lunches for the needy immediately, which is, in effect, what we are getting, but the $7 billion or so that will be required for school lunches for children who could afford to pay was not any immediate priority.

I pointed out there were a number of examples of that. So people were not interested at the end of the afternoon in a point by point discussion and that what people were interested in was the general order of priorities.

Q. If I may ask you two specific points: Your first one, my understanding is that this point number 1 is the School Lunch Program that was presented by the Administration at the beginning of the year. According to the Perkins Committee and the Senate Select Committee, there were not anywhere near enough monies in this plan to feed all the poor children free meals. That is why Congressman Perkins has got a bill for an additional $100 million which is currently blocked in the Senate and opposed by the Administration.

This doesn't cover pre-schoolers either.

Are you saying that the Administration's original proposal, which you list here as number 1, will provide free meals to all poor school children?

Dr. MAYER. I am saying exactly what the release is saying, that the Department of Agriculture has explored how much the plan as it is now is going to cost and they are going to do it.

Q. So the Perkins bill is not needed?

Dr. MAYER. I take it the Administration Food School Lunch bill, which is a bill proposed by Senator Javits—there are a number of bills which no doubt will make the situation easier—but for the time being, the Department of Agriculture can do what it is saying it can do with the funds that have been earmarked for it.

Q. How much of this can you enumerate came out of the White House Conference and how much was already in the pipeline?

Dr. MAYER. Practically all of the steps that are listed here are steps which have been taken in the last two weeks. I think I am right, Mr. Hekman, Mr. Olsen, in saying the Department of Agriculture has had a number of high level meetings since the Conference, looking at the various problems which are raised and they are responding to them and what you see now is a direct response to the needs as expressed by the Conference.

Q. Doctor, on Item 7, all 290 counties should soon have some type of food assistance program: How do you intend to enforce that in counties that are resisting, that don't want a federal food assistance program?

Dr. MAYER. At present, there is no authority to impose any program on counties. On the other hand, our information is that by the end of the year, essentially all counties will be covered and that essentially all counties will be covered by the Food Stamp Program.

One of the attractions that you may have noticed is that in effect, the Federal Government is taking over cost of administration, which had been a big bone of contention before in terms of installing new programs in counties which did not have the money.

Q. At the Conference, Dr. Mayer, the announcement was specifically that there would be food stamp programs in all the counties that are now in service. I see now that this point number 7 hedges that and says, "Where you can't get stamp programs in you will try to get commodity programs in."

Which is it?

Dr. MAYER. I will make a small bet, that by the 30th of June all of those counties will have food stamp programs.

Q. On your recommendations, Dr. Mayer, this letter of transmittal is rather broad. Even if the President had all the time in the world to read through the entire 800 or however many pages of the final report, which he has, he still

would need some further guidance from experts as to which of these thousands of recommendations should have priority.

Have you made any specific statement of priorities to him?

Dr. MAYER. We have talked about various priorities, and I would like to have John Price, who is the Secretary of the Urban Affairs Council, tell you something about the mechanics by which this is going to be handled.

Mr. PRICE. Originally, the first document I saw of the Conference was the preliminary report which looked a bit like the Staten Island Directory. There are three volumes that look as though we have covered at least two other boroughs of New York. It is a massive amount of detail and analysis and proposals.

What the President just instructed us to do, and I have called Secretary Hardin to tell him this, is to take the three volumes of the Conference report and to staff out, doing exactly what you are suggesting we do, a list of priorities and breaking them out by questions of what we can do immediately by administration, what might require additional legislation and so forth, and then to present these proposals to the Food and Nutrition Subcommittee of the Urban Affairs Council.

That subcommittee is chaired by Secretary Hardin of Agriculture, and the other members are the Secretary of Commerce and the Secretary of HEW. This is the same group that originated and proposed to the President the Administration food package, which was sent up by him in early May.

This subcommittee, the Secretary has told me, will meet soon. We will try and do this as immediately as we can.

Q. Dr. Mayer, you said in your opening statement that with the passage of the Food Stamp Bill, together with these other administrative acts, the Administration's Food Stamp Bill, that is, the bulk of the work needing to be done, will have been done.

Can we interpret that as meaning that the Administration's commitment to end hunger in this country will have been achieved with those steps?

Dr. MAYER. I think it can be interpreted as saying that an enormous advance will have been made in the problem of eliminating hunger and malnutrition, and that we will have social armamentarium to cope with it.

One of the reasons why we need a close surveillance of the state of nutrition of the American population is that it doesn't matter how well an overall program is conceived; there are always areas where the program does not reach, where the program does not work, and a money tree both by Health, Education and Welfare, and by interested citizens is essential if we want to avoid gaps.

But I think that we will be a long, long way from where we were in the beginning of 1969.

Q. Dr. Mayer, when this program is put into effect, and assuming that surveillance shows that it has been carried out, does this represent the fulfillment of the President's committee, or do you have further goals?

Dr. MAYER. I think the President made a general commitment to end hunger and malnutrition. I think that he is not going to be satisfied with simply the administrative or seeing a legislative measure taken. He wants to see that they actually work.

But I think we have a great many social problems, protection of the environment, we have delivery of medical care and so on. They have to go by group. And I would say that, as a nutritionist, that after this is done, then I think that the overall national approach of the program probably will have done what it can, and that if there are still things that don't work, they have to be reached through a different method.

Q. Dr. Mayer, I would like to go back to Mr. Cox's second question. I am not sure I understood your answer. Maybe a way to clarify it is: "Extra funds are contained in the fiscal 1970 budget." Could you give for us what funds were available for the $3.4 million, what was not extra funds, and whether this phrase "extra funds" means funds in addition to what previously——

Dr. MAYER. Let me ask Mr. Hekman, Administrator of the Food and Nutrition Service, to give you that. He seems to have pages and pages of numbers.

Mr. HEKMAN. I interpret your question as relating principally to the child feeding programs. Is that right?

Q. Point number 1.

Mr. HEKMAN: I don't have a copy of that. I am sorry.

Fiscal 69 there was $42 million available for this program to feed needy school children; in fiscal 70, the figure is more than twice that, $105,800,000.

Q. $42 million was for 3.4 million children?

Mr. HEKMAN. We reached about that many last year, yes with that amount of money.

Q. 107.8 is going to reach?

Mr. HEKMAN. 105.

Q. This was in the 1970 budget long before the Conference opened.

Mr. HEKMAN. $105 million, yes.

Q. The simple mathematics that the people in Congress used is 40 cents a meal, 180 school days, seven million poor children. That multiples out to $360 million. How is $105 million going to provide free meals for seven million poor children?

Mr. HEKMAN. I think we have to realize that there were certainly planned to be an import of local and state funds in this. All you have to do is look at what is being done against this 29,000 to 30,000 school children figure, that is in the report, as it relates to the city of Baltimore. There are federal funds there, but there is also state and local funds.

Q. The state, local, matches federal funds for free feeding of needy school children? Is that what you are saying?

Mr. HEKMAN. I don't say that it matches.

Q. How much are they going to put up against this $105 million?

Mr. HEKMAN. I couldn't answer that.

Q. Will you accept this figure of $350 million approximately to feed the seven million needy school children at free or reduced rates? If that is so, are you saying that the state and local authorities are going to put up the other $200 million?

Mr. HEKMAN. I stated to the Senate that the amount of money that was in the bill, which is the $105,800,000, at that time, it appeared to us that this would reach the six million to 6.6 million. In other words, it would get the job done with the import.

Dr. MAYER. Mr. Hekman, I am just wondering. We are in the 1970 budget now, so that the reason why it doesn't add up is because the program is starting in January, and it only has to carry until June. As of June, obviously, more money is going to be required to fulfill your calculations. I think this is perhaps where the problem was.

There is matching state money, as you know, in all the school lunch programs, but in some cases, there is local money as well. Many communities also put in some money. But the point is we are not talking about a whole fiscal year. We are talking about the period between now and the end of June.

Q. What is your analyzed estimate?

Mr. HEKMAN. I will stay with what I said to the Senate committee, which was that if we got $105,800,000, that at that time, it looked like we would have sufficient funds to reach the figure that we are talking about.

Q. Do you regard that as an analyzed figure?

Mr. HEKMAN. We are very happy with the fact that this program is accelerating and we seem to be reaching children at a faster rate and presently, we have our men in the field in all the states checking the figures to find out and to come up with an answer to the question that you have just raised.

Q. When you were speaking to the Senate committee, were you talking in terms of a full school year or in terms of a half school year, January to June?

Mr. HEKMAN. I was talking to June 30.

Q. Do you have an estimate of your Fiscal 1971 costs or requests, sir?

Mr. HEKMAN. I don't.

Q. You are talking until June 30 from when?

Mr. HEKMAN. From the date I testified. I will stay with what I said to the Senate Committee.

Q. When was that?

Mr. HEKMAN. October of this year.

Q. What about pre-schoolers, Dr. Mayer? Obviously, there are several million others and I think you referred to it at the conference as needing some programs. Is that covered in this $105 million?

Mr. HEKMAN. No, it is not. The non-school feeding program went up from $8,750,000 in 1969 to a figure of $15 million in the 1970 budget.

Q. Dr. Mayer, can you say when your conference report will be made public?

Dr. MAYER. It is purely a mechanical problem now. The report is finished and Mr. Grant is now going to get a few hundred mimeographed copies for the press only, while arrangements have been made to have the report published.

Q. Dr. Mayer, what happens to you now?

Dr. MAYER. What happens to me?

Q. Will you continue——

Dr. MAYER. I go back to Harvard to give my courses and I continue to work with John Price and the President whenever he needs me.

Q. Your staff will be disbanded now?

Dr. MAYER. Some of it is probably going to continue to work on some of these issues, but essentially, the staff of the conference is disbanded. The conference is over.

Q. Do you continue as Special Consultant to the President?

Dr. MAYER. I continue to consult with the President on anything he wants me to consult on. I think my title was one which went with the Chairman of the conference.

Q. Dr. Mayer, could I clarify a point? You say by Thanksgiving 1970 you hope to have nearly all of the school children receiving free or reduced priced lunches. Do you accept the figure put out here?

Dr. MAYER. I am not, with due respect, terribly concerned at this point with the minutia of the figures. What the Department of Agriculture is doing right now is really trying to reach all children, preferably the end of June, and calculate how much money it is going to cost.

I think what is being said here is that the 6.6 million needy children will get a free school lunch program by Thanksgiving, 1970, and that it will cost what it costs.

Q. Small technical question: The letter of transmittal is embargoed for Thursday morning. Dr. Mayer's statement is, on its face, not embargoed. Is that meant that way?

Mr. ZIEGLER. What is your question?

Q. The letter of transmittal is embargoed for Thursday morning.

Mr. ZIEGLER. Therefore, both documents are for immediate release. Thanks for calling it to our attention.

Q. Where can I get a copy of the report?

Dr. MAYER. Why don't you give us your name and address and as soon as we have a copy, we will give it to you.

Q. Dr. Mayer, I wonder if you could clarify one thing. Mr. Hekman said he said in October $105.8 million for school lunches. So point one is not something we didn't know before. Aside from point two, the catering department—

Dr. MAYER. Let me answer this. Point two is the key to the whole thing, because until lunches could be delivered to kids who don't have cafeterias and don't have kitchens, there was no way of reaching them. Therefore, whatever plans were made would just not have worked at the speed at which they are going to work.

If the only answer to feed kids would have been for each school system to build central kitchens, to get trucks, to deliver the meals, first of all, it wouldn't have happened in a great many cities that feel they have other priorities, which, I regret to say, is the case of my city, Boston.

Secondly, it would have taken years. With point two, it means that the kids will in fact be fed by the end of the year or at least by the beginning of the next school year and that puts the whole question into an entirely different area.

The PRESS. Thank you.

Senator MCGOVERN. Thank you very much. We have now another roll call pending, unfortunately, for our other witnesses.

I am wondering if the witnesses who have not yet been heard could come back at 1:30 if the committee were to reconvene at that time, and also if that would be agreeable with the members of the committee.

Is there any witness here who is scheduled to testify who cannot come back for a hearing to be reconvenved at 1:30?

All right, let us recess then until 1:30 p.m.

(Whereupon, at 12:08 p.m. the committee recessed, to reconvene at 1:30 p.m.)

AFTER RECESS

(The select committee reconvened at 1:50 p.m., the Hon. George McGovern, Chairman, presiding.)

Senator McGOVERN. The committee will be in order.

Our first witnesses this afternoon are Mr. Neumark and Mr. Lowenstein of the California Rural Legal Assistance Program, Modesto, Calif.

STATEMENTS OF PHILIP NEUMARK AND DANIEL HAYS LOWENSTEIN, ATTORNEYS, CALIFORNIA RURAL LEGAL ASSISTANCE, MODESTO, CALIFORNIA

Senator McGOVERN. The committee heard from Mr. Neumark in a field visit to Modesto last spring, so it is a special privilege to welcome you again to the committee this afternoon.

Mr. NEUMARK. Thank you, Mr. Chairman.

Mr. LOWENSTEIN. Thank you, Mr. Chairman.

After the testimony this morning, which described the problems and the work to be done, I am glad to bring the committee news of one small corner of the country where excellent progress has been made and where I think the work of the Congress and this committee is bearing excellent fruit.

I am Daniel Lowenstein, and I am accompanied by Philip Neumark. We are California attorneys, practicing in the Modesto office of California Rural Legal Assistance, a nonprofit OEO-funded law firm providing free legal services to indigent people in rural California.

We have had occasion to closely scrutinize the school-lunch program in Modesto in connection with representation of the plaintiffs in Federal court litigation entitled *Shaw* v. *Modesto School Board*. When this committee held hearings in Modesto earlier this year you thoroughly explored the background and outcome of that litigation.

To recapitulate briefly, the lawsuit alleged that only a small percentage, fewer than one out of nine of the needy schoolchildren in Modesto, were receiving the hot lunches they needed and were entitled to under the National School Lunch Program. On February 19, 1970, after a 9-day trial, U.S. District Judge Thomas J. McBride ruled that under the National School Lunch Act every needy child has a right to a free lunch or a lunch at a price he can afford.

The main issue in the Modesto school-lunch case was the eligibility standard for free and reduced-price lunches. Under the old school-lunch legislation, school districts in California and across the country received little guidance in establishing standards. And, as a result, the program was operated in an uneven, and sometimes arbitrary and restrictive manner. The 1970 school-lunch amendments, developed in this committee and enacted into law, resolved the eligibility problem by assuring uniform and adequate standards.

As you learned during your hearings in Modesto, the Modesto school-lunch controversy did not come to an end when Judge McBride announced his decision. The school board recognized the need for an expanded lunch program. But it felt that the level of Federal and State assistance available at that time was too low for Modesto to be able to comply with Judge McBride's ruling on eligibility. Accordingly, the school board reluctantly withdrew from the program altogether.

Many so-called experts, observing these developments in Modesto, predicted that any effort by Congress to enforce uniform and ade-

quate free-lunch standards would drive school boards across the country out of the lunch program. In fact, however, the Modesto experience shows that school boards will willingly participate in a program that will feed every needy child, so long as Congress provides the necessary funds.

We are happy to inform you that after the hearings this committee held in Modesto and shortly after the 1970 school-lunch amendments were passed, the Modesto School Board re-entered the lunch program. This action was taken because the board was assured by State school-lunch officials that the Federal Government would provide the needed funds.

As a result, this year Modesto is operating an excellent school-lunch program. At last count, 1,897 children were receiving free or reduced-cost lunches. This figure contrasts with about 180 in 1968–69 and about 400 last year.

The school board's commitment to the program is evidenced by its appropriation of $18,000 in local funds, an increase of more than 250 percent from last year. But in these times of inflationary and other financial pressures on school districts throughout the United States, Congress must recognize that the districts are unwilling to increase without limit their funding of school lunches.

The Modesto board, for example, has stated that if there are not sufficient Federal funds to make the local appropriation of $18,000 suffice for the entire school year, the district will again withdraw from the program. We were informed last week by Dr. Bert C. Corona, Superintendent of the Modesto schools, that current projections indicate that the $18,000 local appropriation will be sufficient, *provided that Federal and state reimbursements remain at least at their current levels.*

A bulletin issued in August to California school districts by the State Department of Education states that the current level of reimbursement is effective only "until further notice." The State cannot maintain its level of reimbursements for the remainder of the school year unless Congress appropriates adequate funds.

As this committee knows, our office has had sharp conflict with Dr. Corona, the Modesto school superintendent, in the past. But we strongly endorse the telegram Dr. Corona has sent to this committee in connection with today's hearing, and in particular the following statement:

> The criteria of eligibility adopted has guaranteed an adequate noon meal for a vast number of needy children in our community. The continuing financial participation by the State and Federal Government is absolutely essential to the maintaining of the National School Lunch Program in the Modesto City Schools.

Mr. CASSIDY. When we held hearings last spring in Modesto, there was obviously bad feeling between the low-income citizens and their elected school-board members.

Can we conclude this situation has improved?

Mr. LOWENSTEIN. Yes, Mr. Cassidy. And I think that is a very important point, because when the Congress passes a good school-lunch program and imposes heavy requirements but does not provide the money for the school districts to effectuate such a program, then, of course, there is a great deal of pressure put on the school board. They may want to spend money for school lunches, but they have

other important and legitimate demands on their funds. And these are times when it is difficult for a school board to get more taxes out of our communities.

So I think that if Congress will provide the necessary funds, it will make it much more possible to have harmonious relations between low-income people and our school officials. And I think if we are to live in a democracy, if low-income people are to have faith in their school system and in their local officials, it is important that Congress provide the funds so that Congress does not create the sharp conflicts such as we had in Modesto.

Modesto and other school districts in California are now beginning to reach the students who need this program. The State of California, which this year is spending $6 million on school lunches, is doing its part. If Congress is to make good on President Nixon's promise that by Thanksgiving, only 44 days from today, every schoolchild in this country will be able to eat a hot and nutritious lunch in school, then Congress must appropriate the necessary funds.

While adequate appropriations are the most urgent requirement, Congress also has a supervisory responsibility in connection with the school-lunch and other food programs. For more than two decades the U.S. Department of Agriculture has followed a policy of benign neglect toward hungry schoolchildren. Congress took a major step toward rectifying this situation by enacting the 1970 school-lunch amendments. This could not have been accomplished without the work of this Select Committee during the past several years.

We look forward to your continued work in the coming years in performing a watchdog function to make sure the purposes and provisions of the 1970 amendments are fully carried out. With adequate appropriations and continuing Congressional oversight, we can assure that the tragedy of the last 24 years will not be repeated.

Thank you for inviting us to testify. If you have any questions, we will answer them to the best of our ability.

Mr. CASSIDY. Mr. Neumark, now that so much headway is being made in the school-lunch program in Modesto, has the problem of hunger been mitigated? Or is there still further progress needed?

Mr. NEUMARK. The problem of hunger clearly still exists.

A state of emergency was declared last fall. And the reason for that declaration of a state of emergency is that 50 percent of the people in the county were starving.

The Department of Agriculture refused to provide surplus food, and it was only through the intervention of the Federal Court in San Francisco that the people of Modesto had something to eat on Christmas.

Unemployment last year in Stanislaus County was 20 percent. It is 30 percent this year. Stanislaus County is typical of the Valley. Modesto is first. Stockton is second. And Fresno is third. Unemployment in the Valley ranges between 15 and 30 percent, and these are people who don't have enough money. Most of these people, roughly between 60 and 70 percent, receive less than the State says you need for survival. The State of California sets a survival level and then gives them far less.

These people cannot afford food stamps. There is no way they can eat.

Mr. CASSIDY. Is there a food-stamp program?

Mr. NEUMARK. There is; but 80 to 90 percent of the people are excluded from it. The USDA sets the price level so high that people can't afford it. When USDA lowered the prices of food stamps last January, participation went up from 10 percent to somewhere around 29 percent. But that still means 70 percent of the people are excluded from the food-stamp program.

All the USDA has to do is lower the price of food stamps. But they refuse to do it. And they refuse to provide an alternative. They say you can have food stamps. But they set the price so high that people can't afford them.

Then they set a regulation that says if you have food stamps, you can't get commodities. The USDA says there isn't a problem there.

Mr. SCHLOSSBERG. Why can't the people get food stamps?

Mr. NEUMARK. The price of food stamps is based on your income. There is a scale. And the price of food stamps is more than is left in their budget after they pay for the rent. If they don't pay the rent, they are going to be evicted. If they don't pay for the gas and electricity, that will be cut off.

So the only place they can cut is in the food budget. They don't have enough left to purchase the food stamps.

Mr. SCHLOSSBERG. How long has the food-stamp program been in operation?

Mr. NEUMARK. For 3 years in Stanislaus County. The board of supervisors is a very conservative body by anybody's definition, and they have petitioned the USDA to liberalize the food-stamp program. They realize we are going to have another hunger crisis, and they want to avoid it.

They keep asking USDA to lower the price.

I might add that there is a provision in the Food Stamp Act that says in the time of emergency that the county can receive both commodities and food stamps, which would be at least a temporary solution.

USDA has taken the position that, "Well, a hunger disaster doesn't really constitute that kind of emergency." They want to see an act of God.

If you have a hurricane and then people starve, then you can get commodities. But if people are just starving, even if they are the same number of people, they cannot get the commodities.

It is interesting to note that there is enough surplus in the California warehouses to feed every poor person in the State for a full year. The food is sitting there, and they won't release it.

Mr. CASSIDY. Do you think that an expanded school breakfast program would be of help in Modesto?

Mr. LOWENSTEIN. I definitely do. In the course of the food crisis that Mr. Neumark was referring to—and, of course, we were involved in some litigation that arose out of that—we talked to a lot of people about what kind of food they were able to serve to their children. And, of course, we talked to them about breakfast time, and I think the results were startling.

We found that many, many of our clients don't provide any breakfast at all for their children, not because they don't want to, but because they can't.

It is interesting, during the recent controversy over the nutritional value of breakfast cereals, I noted some of those that were defending the cereal industry pointed out that in estimating the nutritional value of breakfast cereal, you have to take into account that people eat cereal with milk and sugar. And you have to add those into the nutritional value.

What I found out to my surprise last December was that when our clients give cereal to their children in the morning, the children eat that cereal with water, because they can't afford the milk. And they can't afford the sugar. And aside from the obvious nutritional loss, I don't think that when children are forced to eat that kind of breakfast that they are going to grow up believing in the importance of a good breakfast, because it is just not very pleasant.

I think a breakfast program is very important. There is a breakfast program in one of the small school districts in our county, the Denair School District. And it seems to be quite successful.

I know our clients outside of that district know of that program and they want it for Modesto, and they haven't been able to get it yet.

We have read Senator Javits' school breakfast bill referred to this morning. I personally feel it is an excellent bill, and I really hope that congress will pass it as soon as possible.

Senator McGovern. Mr. Lowenstein, I am sorry about the rollcall. We have been plagued with interruptions all day here today. But I had a chance to read your statement earlier this morning, and I am very much encouraged at the progress that has been made since we were in Modesto.

Someone has furnished for the committee a news item from one of the newspapers in Cairo, Nebr., which is a report on the local school board meeting that was held on last Friday—a week ago Friday. And one of the items in the public press reads as follows:

> On motion by Peterson, seconded by Rowelson, free lunches were approved for the families of Mrs. Saller, John Field, Mrs. Sauder, and Melvin Fredrickson.

Does anything like that ever happen, to your knowledge, either with reference to the proceedings of the Modesto school board or other schools in your area where the names of families are published that are receiving special assistance of this kind?

Mr. Lowenstein. I think that since the regulations of the Department of Agriculture were promulgated to make that kind of thing unlawful, I think that in our area the record of the school board has been fairly good. I don't think that that type of practice exists.

Senator McGovern. This is only a week old, this particular news item.

Mr. Lowenstein. I know. I saw that one from Nebraska. And the fact that that kind of thinking is going on today—and we all know the regulations of the Department of Agriculture have been in existence over 2 years now. And the fact that that practice goes on today indicates what we indicated in our statement, the importance of Congress watching over this field and making sure that that kind of abuse is at least kept to a minimum.

Senator McGovern. I am not really looking for any special praise here for this committee. But since I did miss your response to the questions that were raised by the staff, is it your feeling that the kind of field hearings we conducted out there are helpful in terms

of the triggering of constructive response in a community that, at least at the time we arrived there, seemed to be very divided and angry on this problem?

Mr. NEUMARK. Yes, I would like to answer that. I think the hearings were important for two reasons.

I think to a certain extent the low-income people had lost faith in the institutions. And for a U.S. Senator to come to Modesto to show concern about the problem indicated to them that someone somewhere cared. They had tried the courts. They had one in the courts. But they saw that that wasn't an answer.

I think after your visit to Modesto, people again had some hope.

And I think, also, although it took some period of time—I think also the school board recognized that people in Washington were going to fund the program.

I think it is very important to emphasize if that money is cut off in Modesto—and there is some chance of that, according to the State director—we are going to be back where we were last year, except it is going to be a worse situation, because now there are 2,000 children, as opposed to the 400 receiving lunches last year, who will be cut off. And I think there will be confrontation in the community.

Last year people were arrested over school lunches. And, fortunately, there wasn't any violence. But if this money is cut off, I think Congress should recognize that they would, in a real way, be encouraging violence in many areas.

The record in California, I think, is fairly good now. But consider what will happen in Los Angeles. You know thousands and thousands of children won't receive lunches anymore.

I think it is the responsibility of the Congress to make sure—the State has put up about as much as they are going to put up. And that is $6 million. And if Congress doesn't put the money up, the programs are going to be cut off. It is that simple.

Senator MCGOVERN. Thank you very much, Mr. Neumark and Mr. Lowenstein, for your testimony.

Mr. LOWENSTEIN. Thank you, sir.

(Letter from Modesto city schools follows:)

MODESTO CITY SCHOOLS,
Modesto, Cal., October 9, 1970.

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS,
Old Senate Office Building,
Washington, D.C.

GENTLEMEN: The reinstatement of the National School Lunch Program in the Modesto City Schools can be directly attributed to the increased level of support both on the part of the United States Congress and the California State Legislature. The criterion of eligibility adopted has guaranteed an adequate noon meal for a vast number of needy children in our community.

The continued financial participation by the state and federal governments is absolutely essential to the maintenance of the National School Lunch Program in the Modesto City Schools. Any significant deviation away from the current level of participation will leave no alternative to our school district but to terminate and withdraw from the program.

We strongly urge that a guaranteed, reliable, and adequate plan of funding be established as a primary means of maintaining what has now developed into a very fine partnership project.

Respectfully,

BERT C. CORONA,
Superintendent.

Senator McGovern. I would like to call the panel of witnesses that represents our final group of witnesses today—Mrs. Hurley, Mr. Delgado, Mr. Fuqua, and Mr. Thoms.

PANEL: STATEMENTS OF MRS. KAY HURLEY, COMMUNITY REPRESENTATIVE, SOUTH BOSTON, MASS.; GARY DELGADO, COMMUNITY ORGANIZER, CHILDREN'S FOUNDATION, LITTLE ROCK, ARK.; GLENN D. FUQUA; AND PETER THOMS, RHODE ISLAND LEGAL SERVICES

Senator McGovern. I wonder, in the interest of accommodating the Senate legislative schedule, if we could have an indication from the witnesses whether you each have separate statements?

Mrs. Hurley. Separate statements.

Senator McGovern. Wherever possible, in order to avoid the problem of the rollcall, if you could summarize the highlights of your statements so we could get at the questioning as quickly as possible, I think it would expedite our proceedings.

Who is the first witness?

We will start with Mr. Fuqua.

Mr. Fuqua. Mr. Chairman, and members of the committee:

My name is Glenn D. Fuqua. My position is director of the Department of Social Services in Rockingham County. N.C.

I appear before you today on behalf of the poor schoolchildren and their parents in my county—poor schoolchildren who are also poor hungry schoolchildren.

Earlier today you cited from one of the school systems in our county the policies regarding getting a free or reduced-price lunch. I will not go into that form at this time, other than to state that it makes a mockery of the national school lunch program.

It has come to our attention that the people working in public welfare, as I am, and members of my staff, that frequently school officials do not feed poor children because they lack a basic concern for these children.

I believe Senator Hart this morning raised the question of why don't school superintendents feed these children. I think it is frequently the case because they are problem children, poor children. They lack the wherewithal to participate in these school programs that other children participate in.

School officials have frequently stated that welfare departments should pay the schools for lunches provided children on public assistance. This is not possible in North Carolina at this time, because the State legislature has not appropriated funds for such a purpose.

In fact, North Carolina is presently meeting only 86 percent of the need requirements for AFDC families. How can we expect welfare mothers to pay for their children's lunches when they are receiving only a pittance for food now?

I am willing to explore any possibility to feed poor children, go to any lengths, take any steps that will insure a meal for a child.

There has been some suggestion locally to explore the feasibility of using food stamps to pay for school lunches.

Is this possible?

Perhaps someone in HEW or the USDA could examine this possibility.

Why do school officials throughout the country refuse or reluctantly feed poor children? Most of them that I have had contact with inevitably say that we must operate school systems at a break-even financial point. None feel that Federal and State governments provide enough financial assistance to the local units.

I sometimes would question this. I believe that some schools refuse to feed poor children because they lack a basic concern for the welfare of these children.

It does not require a Ph. D. in education to realize the commonsense statement that poor children must first have the wherewithal to participate in a school's academic curriculum. A child cannot learn if he is hungry, lacks clothing, or is in need of medical and dental care.

The school superintendents in our county seem to have no particular difficulty in getting Federal and State funds for fancy new educational programs and equipment. There is always publicity in the news media when these grants are awarded.

How can poor children take advantage of these programs if they are hungry and sick?

There are voluminous studies correlating education and income. We all agree, I am sure, that the study of this relationship between earnings and education show that the more highly educated the man, the greater his earnings.

Everybody complains about the high cost of welfare. If we can't keep the poor children in school, where they hopefully will receive a meaningful education, then how can we expect welfare costs to decrease or human life to be enriched?

I think it is apparent that a great many State and local officials flaunt the intent of the national school lunch program, because there is inadequate supervision of the Federal funds allocated to the States and localities for school-lunch programs.

I am not optimistic that the new law, Public Law 41–298, scheduled for nationwide implementation in January 1971, will solve the problem. I think the committee and Congress must make it plain to the States and localities that poor children will be fed now and that restrictive and punitive measures on a local level will no longer be tolerated.

Senator McGovern. Thank you very much, Mr. Fuqua, for your testimony.

I think what we will do is proceed with each witness and hold the questions until each person has testified.

Mrs. Hurley, would you like to testify next?

We have a letter from Senator Kennedy, who was unable to be with us today, especially welcoming you to the committee and reviewing some of the problems in Massachusetts.

I would like to ask that that letter be made a part of the hearing record.

(The letter of October 12, 1970, follows:)

U. S. SENATE,
Washington, D.C., October 12, 1970

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition, and Human Needs,
U. S. Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I regret that I am not able to be present for today's hearings concerning the School Lunch Program. However, I want to be certain that the members of the committee and all witnesses who are testifying today are fully aware of the useful and important contributions that have been made in the health and welfare areas in Massachusetts by Mrs. Kay Hurley. In our state, she is one of the most vigorous supporters of efforts to establish and improve living conditions for citizens who traditionally are forced to live under unfavorable circumstances.

You may recall that Mrs. Hurley came to Washington last year as a witness before this same committee. At that time her testimony was also on the subject of the School Lunch Program. She provided insights into that whole issue that have served me well in understanding the principle aspects of that problem. For that reason, I think it can be expected that her testimony today will bring vitally needed information about ways to improve upon the delivery of lunches to school children in the commonwealth.

Out of a total of approximately 3,225 schools in the commonwealth of Massachusetts, less than half participate in the school Lunch Program. Moreover, in those schools where youngsters were fortunate enough to receive the benefits of a lunch program, the overwhelming majority of them were found to be in families who are not effected by inadequate incomes. Yet, youngsters from low income families have been consistently denied the opportunity to receive free or reduced priced lunches because of failures to design creative systems for the delivery of food to them. In addition to these statistics, I am aware that other factors clearly justify the need to improve on the way we now provide nutritional care for our school children. I am certain that Mrs. Hurley will agree with me when I say that despite the reasons that cause low income youngsters to go without proper meals, there is simply no excuse for us to do that any longer.

Mr. Chairman, I wish to welcome Mrs. Hurley to Washington and to the committee and I look forward to reviewing her testimony and I am certain that what she has to say can be helpful to each of us on this committee.

Sincerely,

EDWARD M. KENNEDY.

Mrs. HURLEY. My name is Kay Hurley. I am from South Boston, Mass. And I am here representing the people of Massachusetts.

I am also a welfare recipient and the mother of two children not receiving school lunches. And I do not expect them to be receiving free lunches by Thanksgiving, as President Nixon has promised.

One reason for not receiving lunches is that the schools they go to do not have lunch programs. The other side of it is schools that have lunch programs—and I will talk about that later.

The schools in the inner-city, poor areas, are old schools and have been there for years. The middle-income schools in the suburbs have the facilities and can then give the school lunches.

Nonetheless, in Boston, most of the junior high schools and high schools and some of the elementary schools have school-lunch facilities.

There are 28,585 ADC children in the city of Boston, and the average number of free school lunches given out right now every day is 667. That tells you where Boston is at as far as giving out those free school lunches.

In East Boston, when the East Boston welfare-rights group went to the school committee and tried to get free lunches, they were told that there was no such thing on the books as a free lunch program.

In Jamaica Plains and Roxbury when the people requested free-lunch programs, they were told their kids would have to work in the cafeteria. The kids picked to work there are "A" students, who then have to miss two periods of work in order to work in the cafeteria. And after working there a few months they are no longer "A" students, which is one way to keep the kids from getting into better schools.

There have been reports of worms in the food. One of my neighbors has eight children—13 children—and eight of them go to schools which have school-lunch programs. And she has to pay 30 cents per meal and 10 cents for dessert. That comes out to $17 per week. You are not including that much money in the budget for food alone. And that school refuses to give school lunches.

One thing decent that has happened in Massachusetts—and I am not willing to wait for it, nor are thousands of others—is that a bill was passed which requires all schools to have lunches available by September 1972. Even when this bill goes into effect in 1973, that doesn't mean that those schools are going to give out those lunches. That doesn't mean that when people put in a request for those free lunches that they will get them.

As far as I am concerned, I have heard people today saying, "What can we do?"

I have demonstrated in welfare offices and have been arrested for it. And I have known I would be arrested, even though I felt I had a just cause.

As far as I am concerned, school officials all across the country are breaking the law, and they should be arrested. Unless some laws are passed to have them arrested, maybe the people in the local communities could make citizen arrests on school committee members who are refusing to give out these lunches.

That is all I have to say.

Senator McGovern. Thank you very much, Mrs. Hurley.

Mr. Delgado, could we hear from you next?

Mr. Delgado. I am Gary Delgado, from the Children's Foundation, Arkansas Community Organization for Reform Now.

My involvement with the school lunch program in Arkansas began with an interview with Miss Ruth Powell, State school lunch director. The meeting was arranged by Mr. Jay Lipner, a VISTA attorney, who had several months of extensive experience with the Arkansas school lunch program.

At the time the meeting was arranged, school districts had already been advised by memorandum from Miss Powell of the income poverty guidelines prescribed by the Secretary of Agriculture. (See appendix A.[1]) This communication indicated that although the guidelines were not mandatory until January 1, 1971, school districts may wish to adopt them for use at the beginning of the school year. The purpose of arranging this meeting was to suggest to Miss Powell that school districts be provided a more definite method of implementing the amendments to the national school lunch law, specifically in respect to the adoption of the January guidelines.

[1] Apps. A, B, C, D, and E, appear on pp. 2235, 2237 and 2239.

To this end, Mr. Lipner and myself offered for Miss Powell's consideration a free-lunch self-certification application, which implemented the amendments. The form was prepared by Mr. Jay Lipner, Mr. Wade Rathke, head organizer for ACORN, and myself, for use by the Arkansas Community Organizations for Reform Now, a statewide organization of low-income people, affiliated with the National Welfare Rights Organization.

Miss Powell not only approved the form, she sent out a memorandum to every school district in the State approving the form and urging the school districts to adopt the January income poverty guideline immediately. (See appendix B.)

On Monday, August 31, 1970, 42 members of the Shorter College Gardens Community Organization, an affiliate of the Arkansas Community Organizations for Reform Now, handed in ACORN school-lunch forms to North Little Rock School Superintendent George Miller. The group requested that the district not use title I money, but national school lunch funds for the school-lunch program.

Miller treated the all-black group with scorn and disrespect, constantly berating their efforts to get lunches for their children and referring to them at every opportunity he had to address them as "you people." When he was handed the forms, his reply was, "Why don't you people use our forms? We have forms of our own."

The school district had yet to distribute "their" forms and did not do so until October 7, 1970, in direct violation of section 245.5(a), Federal regulations.

I quoted section 245.6(b) of the regulations, which entitles every child to a free or reduced-price lunch after their parent had so certified, until such time that the school district could prove with a fair hearing that the child was in fact not entitled to a free lunch. Miller responded by saying that he didn't care "what the law said." (See enclosed newspaper clippings.)

I offered Mr. Miller and Mr. Crownover, his assistant, copies of the USDA regulations issued August 31, 1970. Neither of them were interested.

The second incident with the North Little Rock School District occurred on Friday, September 18, 1970, when members of the Silver City Courts Welfare Rights Organization charged that their children were discriminated against in the school-lunch program in the North Little Rock school system.

Mrs. Nina Aldridge of Silver City Courts is a prime example of the district's negligence. At the time of the meeting only one of her four children in school was receiving a free lunch. This is a direct violation of title 7, section 245.8(a), Code of Federal Regulations.

Mrs. Aldridge is a welfare recipient. In the same income level, Mrs. Sue Kirsey, who also lives in Silver City Courts and whose children attend the same school, had not as of September 18 even received an application for the lunches.

School Supt. George Miller denied that the Federal Government would pay for expenditures from September to January, stating:

I've dealt with the Government a long time, and they've gone back and paid for what's been done.

He admitted that he had not distributed the forms or guidelines or information on fair hearings, stating:

I have found out this about human nature. If you distribute a form to everyone, then everyone is needy.

This is a direct violation of section 245.6(b), which requires the school district to distribute information concerning school-lunch eligibility standards and appeals procedures, in addition to school-lunch forms, in the beginning of every school year. In a State like Arkansas, with 50 percent of the population below the poverty level, many poor people are losing an important necessity for their children because of the attitude of school officials like George Miller.

The third confrontation—and I can use no other word—with the North Little Rock School District occurred when I accompanied 30 members of the Eastgate Terrace and Hemlock Courts Community Organizations, both affiliates of ACORN, to the North Little Rock school administration's office. Miller walked out on the groups, told me to shut up when I again cited the law. And both he and his assistant invited me to "step outside and settle."

Mr. Lipner and Mr. Rathke succeeded in quoting the regulations to Superintendent Miller. But Miller left to call the police for our "intrusion" into his office. Miller and Crownover pointedly and repeatedly denied that the laws were in effect, despite the fact that Mr. Lipner, Mr. Rathke, and I, along with community spokesmen, quoted the regulations as being effective upon publication in the Federal Register. Publication took place on September 4, 1970. To this day there are children in North Little Rock who go without a lunch every school day because Miller refused to acknowledge the law.

An excellent example of the frequent recalcitrance of local school districts to provide free school lunches to eligible low-income children is the dispute between ACORN and the North Little Rock school district concerning when the new regulations become effective.

As you know, everything in the new regulations is in effect as of publication in the Federal Register—September 4, 1970—except for the minimum-income guidelines, which are optional, until January 1, 1971.

In all meetings between ACORN and the North Little Rock school officials, they have individually and in unison stated in private and to the press that the new regulations, in whole or in part, do not go into effect until January 1, 1971. They have persisted to this line despite constant rebuttal, including direct reference to the Federal Register and a telegram from Mr. Gerald Cassidy, special counsel of the Senate Select Committee on Nutrition and Human Needs.

In the Little Rock school district, about 80 members of the Granite Mountain, Highland Courts, and East End Welfare Rights Organizations, affiliates of ACORN, met with Little Rock school officials. Spokesmen for the groups—Mrs. Rose Washington, chairman, East End WRO; Mrs. Barbara Hampton, chairman, Granite Mountain WRO; and Mrs. Rosetta Lewis, cochairman, Highland Courts WRO —charged discrimination in the administration of the school-lunch program. The groups cited examples of two mothers present that had four children in school, who were receiving free lunches, and two who were not.

The assistant school superintendent responded that there were no violations that he knew of and that the money for school lunches was not there. He did, nevertheless, agree to process the ACORN school-lunch forms.

On Monday, September 28, 1970, Miss Ruth Powell, State school lunch director, in a press statement, stated that USDA was still working on the guidelines, despite the fact that the guidelines were already published in the Federal Register on September 4, 1970.

Superintendent Miller categorically refused to adopt the expanded program until the school district has supplemental funds. After Miss Powell's letter to school districts in which she urged the school officials to use the new guidelines, she stated to the press that she "could not blame school boards for not adopting the revised program without the new guidelines." And they had already been published September 4.

The school-lunch program has become an issue of some magnitude in Pine Bluff and Texarkana, Ark., where community groups are finding that school officials stop spending title I funds for lunches and start giving all eligible children lunches through National School Lunch Act funds. The groups are organized by ACORN, with technical assistance provided from the Food Research and Action Council, New York City, and the Children's Foundation, Washington, D.C.

But the reluctance of school officials to comply with the law is not confined to Arkansas, or even to the South. ACORN, FRAC, and the children's foundation has received letters from low-income people all over the country. The poor implementation by the State and local officials is further aggravated by lack of direction from Federal agencies and indifference of Federal officials.

When community groups first became interested in school-lunch programs, I wrote a letter to Secretary of Agriculture Hardin requesting that USDA spell out more clearly the reimbursement rates to local schools. The letter was written September 10, 1970. I have yet to receive a reply.

At one point, when Miller denied the law was in effect, I advised local reporters to call Assistant Secretary of Agriculture Richard Lyng to verify that there was, in fact, a Federal Code of Regulations and that it was, in fact, in effect. The printed response was a masterpiece of "hedging." Lyng feigned ignorance that the reimbursement rates were 100 percent up to 60 cents per lunch stating "I don't think we pay that much—I'm not sure."—despite the fact that in section 210.11(d) of the regulations, which Lyng signed, it states:

> The total reimbursement for general cash, for food-assistance funds, and special cash assistance shall not exceed 60 cents (12 cents from general cash for food assistance and 48 cents for special cash assistance) for each type A lunch served free or at a reduced price to children meeting the school's approved eligibility standards for such lunches.

I have written two letters to USDA, with absolutely no response. USDA has not sent any explanation of their regulations, no statement of "principle changes in school-lunch law," no backup on the regulations, and provided little direction to State school-lunch directors.

USDA has issued regulations to school districts that require them to distribute policies in September that they are not required to formulate until the end of October. They have written a provision for self-certification, but none for forms other than those provided, or not provided, by disinterested school officials.

USDA has setup "paper" appeals procedures. They have claimed that they want to delay hearings on the regulations until later so that the program could be implemented to feed poor children. But they have not assisted in feeding children. USDA has not elaborated on the following points, which need to be cleared up for local officials:

(1) The appeals procedure: If school districts don't provide lunches, the poor people are forced to appeal, thus: (*a*) lessening the effect of having the "burden of proof" on the school officials; and (*b*) having the poor person appeal to the same people that turned them down initially.

(2) The income poverty guidelines: The fact that they are the floor, not the ceiling, for providing free lunches.

As a matter of fact, there was an editorial written in the Arkansas Democrat which indicated that the USDA poverty guidelines were too high.

(3) Distribution of forms: Forms may not have been distributed by local officials, and USDA has yet to approve any form for nationwide distribution. This still leaves the power in the community over whether that community will or will not company with the law at the complete whim of local officials.

(4) Make any differentiation in income guidelines over free or reduced-price lunches.

(5) Reimbursement rates: The fact that School districts may be reimbursed up to 100 percent up to 60 cents per lunch.

USDA has left an inexcusable communication gap between all concerned. School officials are stalling and children are going hungry.

Thank you very much.

I would also like to submit to the committee copies of the memorandums from Miss Powell, a copy of the ACORN school-lunch self-certification form, the letters from Senator McGovern and Mr. Cassidy, and the newspaper clipping indicating all the statements that the superintendent of schools made, such that he didn't care what the law said.

Thank you.

Senator McGovern. All right, that material will be made part of the hearing record.

(The documents follow:)

STATEMENT OF GARY DELGADO, FIELD REPRESENTATIVE, THE CHILDREN'S FOUNDATION, ORGANIZER, ARKANSAS COMMUNITY ORGANIZATIONS FOR REFORM NOW

My involvement with the School Lunch program in Arkansas began with an interview with Miss Ruth Powell, State School Lunch Director. The meeting was arranged by Mr. Jay Lipner, a VISTA attorney, who had several months of extensive experience with the Arkansas School Lunch program. At the time the meeting was arranged, school districts had already been advised by memorandum from Miss Powell of the income poverty guidelines prescribed by the Secretary of Agriculture (see Appendix A). This communication indicated that although the guidelines were not mandatory until January 1, 1971, school districts may wish to adopt them for use at the beginning of the school year. The purpose of

arranging this meeting was to suggest to Miss Powell that school districts be provided a more definite method of implementing the Amendments to the National School Lunch Law, specifically in respect to the adoption of the January guidelines. To this end, Mr. Lipner and myself offered for Miss Powell's consideration, a free lunch self-certification application, which implemented the Amendments. The form was prepared by Mr. Jay Lipner, Mr. Wade Rathke (head organizer for ACORN), and myself, for use by the Arkansas Community Organizations for Reform Now (ACORN), a statewide organization of low income people, affiliated with the National Welfare Rights Organization. Miss Powell not only approved the form, she sent out a memorandum to every school district in the state, approving the form and urging the school districts to adopt the January income poverty guideline (see Appendix B) immediately.

On Monday, August 31, 1970, forty-two members of the Shorter College Gardens Community Organization (an affiliate of the Arkansas Community Organizations for Reform Now) handed in ACORN School Lunch Forms to North Little Rock School Superintendent George Miller. The group requested that the district not use Title I money, but National School Lunch funds for the school lunch program. Miller treated the all black group with scorn and disrespect, constantly berating their efforts to get lunches for their children and referring to them at every opportunity he had to address them as "you people." When he was handed the forms, his reply was, "Why don't you people use our forms; we have forms of our own." The school district had yet to distribute "their" forms, and did not do so until October 7, 1970, in direct violation of Section 245.5(a), Federal Regulations.

I quoted Section 245.6(b) of the regulations which entitles every child to a free or reduced price lunch after their parent had so certified, until such time that the school district could prove with a fair hearing that the child was in fact not entitled to a free lunch. Miller responded by saying that he "didn't care what the law said." (see enclosed newspaper clippings.)

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The third confrontation (and I can use no other word) with the North Little Rock school district occurred when I accompanied thirty members of the Eastgate Terrace and Hemlock Courts Community Organizations (both affiliates of ACORN) to the North Little Rock School Administration's office. Miller walked out on the groups, told me to shut up when I again cited the law, and both he and his assistant invited me to "step outside and settle." Mr. Lipner and Mr. Rathke succeeded in quoting the regulations to Supt. Miller, but Miller left to call the police for our "intrusion" into his office. Miller and Crownover pointedly and repeatedly denied that the laws were in effect, despite the fact that Mr. Lipner, Mr. Rathke and I, along with community spokesmen, quoted the

regulations as being effective upon publication in the *Federal Register*. Publication took place on September 4, 1970. To this day there are children in North Little Rock who go without a lunch every school day because Miller refused to acknowledge the law.

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On Monday, September 28, 1970, Miss Ruth Powell, State School Lunch Director, in a press statement, stated that USDA was still working on the guidelines, despite the fact that the guidelines were already published in the *Federal Register*, September 4, 1970. Superintendent Miller catagorically refused to adopt the expanded program until the school district has supplemental funds. After Miss Powell's letter to school districts in which she urged the school officials to use the new guidelines, she stated to the press that "she could not blame school boards for not adopting the revised program without the new guidelines."

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I have written two letters to USDA with absolutely no response (see Appendix C). USDA has not sent any explanation of their regulations, no statement of

"principle changes in school lunch law," no back-up on the regulations, and has provided little direction to State School Lunch Directors.

USDA has issued regulations to school districts that require them to distribute policies in September that they are *not required to formulate* until the end of October. They have written a provision for self-certification, but none for forms other than those provided (or not provided) by disinterested school officials. USDA has set up "paper" appeals procedures; they have claimed that they want to delay hearings on the regulations until later so that the program could be implemented to feed poor children. But they have not assisted in feeding children. USDA has not elaborated on the following points which need to be cleared up for local officials:

1. The appeals procedure—if school districts don't provide lunches, the poor people are forced to appeal, thus (a) lessening the effect of having the "burden of proof" on the school officials, and (b) having the poor person appeal to the same people that turned them down initially.
2. The income poverty guidelines—the fact that they are the floor, and not the ceiling, for providing free lunches.
3. Distribution of forms—that forms may not have been distributed by local officials, and that USDA has yet to approve *any* form for nationwide distribution. This still leaves the power in the community over whether that community *will* or *will not* comply with the law at the complete whim of local officials.
4. Make any differentiation in income guidelines over free or reduced price lunches
5. Reimbursement rates—the fact that the district can be reimbursed up to 100% or 60¢ per lunch.

USDA has left an inexcusable communication gap between all concerned; school officials are stalling and children are going hungry.

APPENDIX A

DEPARTMENT OF EDUCATION,
Little Rock, Ark., August 11, 1970.

To: Superintendents Operating School Lunch Programs
From: Ruth Powell, Director School Food Services
Topic: Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Lunches

As you no doubt know, amendments made to the National School Lunch Act require that schools nation-wide use a family size income level for determining eligibility for free or reduced price lunches.

The amendments require that you report to us by October 1, the number of children in your school district who are eligible for free or reduced price lunches along with the number receiving free or reduced price lunches. For this reason, we thought that you would need this information prior to the opening of school.

You will note that the law does not require that this family size income level be used prior to January 1, 1971. Since most administrators like to begin the school year with the regulations which they expect to use throughout the school year, it is strongly recommended that this family size income level be used when school opens. This also insures lunch throughout the school year for all children.

We cannot tell you at this time what the rate of reimbursement will be for the next school year, however all indications are that we will be able to pay a higher rate than that paid during the last school year. This information will be rushed to you as soon as it is available. The appropriation has passed both houses and is in conference. We are most anxious to have the information on funds for next year before school starts since operating on a continuing resolution would be particularly difficult this year due to so many changes in the schools in the state—changes in name and enrollment.

APPENDIX B

INCOME POVERTY GUIDELINES FOR DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES

Pursuant to Section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758, P.L. 91–248), the income poverty guidelines for determining eligi-

bility for free and reduced price lunches in National School Lunch Program and commodity only schools are prescribed, as of July 1, 1970, as follows:

Family size	48 States, District of Columbia, and outlying areas [1]	Hawaii	Alaska
1	$1,920	$1,210	$2,400
2	2,520	2,900	3,150
3	3,120	3,590	3,900
4	3,720	4,280	4,650
5	4,270	4,910	5,340
6	4,820	5,540	6,025
7	5,320	6,115	6,650
8	5,820	6,690	7,275
Each additional family member	450	520	560

[1] "Outlying Areas" include the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Beginning January 1, 1971, the income poverty guidelines set forth above are the minimum family size annual income levels to be used by local school food authorities in establishing eligibility for free and reduced price lunches in schools.

The income poverty guidelines are based on the latest statistics, as of July 1, 1970, on poverty levels reported by the Census Bureau's Current Population Reports, as directed by Circular No. A–46 of the Bureau of the Budget dated June 17, 1970. Variations for Hawaii and Alaska are consistent with such variations established by the Office of Economic Opportunity in its Income Poverty Guidelines (34 Federal Register, Page 20431, December 31, 1969: 35 Federal Register, page 5948, April 10, 1970).

"Income," as the term is used in this Notice, is similar to that defined in the Bureau of Census report, *Poverty in the United States*, 1959-1968, Consumer Income, Current Population Reports, Series P–60, No. 68, December 31, 1969. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) monetary compensation for services, including wages, salary commissions, or fees; (2) net income from nonfarm self employment; (3) net income from farm self employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement, or pensions, or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties, and (13) other cash income.

In applying these guidelines, school food authorities may consider both the income of the family during the past 12 months and family's current rate of income to determine which is the better indicator of the need for free and reduced price lunches.

DEPARTMENT OF EDUCATION,
Little Rock, Ark., August 20, 1970.

To: Superintendents Operating School Lunch Programs
From: Ruth Powell, Director School Food Services
Topic: Application for a Free School Lunch

The enclosed self certification form has been developed for use with the new School Lunch Law. Even though the regulations have not been finalized, this form would appear to be entirely consistent with Congressional intent with respect both to statutory language and the regulations promulgated by the Department of Agriculture. The proposed self-certification form provides all information necessary under Section 9 of P.L. 91-248, and is intended to be conclusive proof of the child's eligibility for a free lunch.

Although the law does not go into effect until January 1, 1971, school districts are encouraged to use this self certification form immediately and receive federal reimbursement.

To: _____ School District Local Group: _____
Date: _____

APPLICATION FOR FREE SCHOOL LUNCH

The new School Lunch Law (P.L. 91–248) says that every needy child shall be given a free or reduced price lunch. In accordance with the federal statute (42 U.S.C. 1758) and federal regulations (Title 7, Secs. 210 and 245, Code of Federal Regulations), I request a free school lunch for my children. The guidelines used below are those prescribed by the Secretary of Agriculture (Federal Register, Vol. 35, No. 153, Friday, August 7, 1970).

Names of all children in school, age, and school

What is your income each month: ------
From working (before deductions): $------
From other sources: $------ From Welfare: $------
Find your family size on the chart. If your monthly income from all sources is *less* than the figure given on the chart, you are eligible for a free school lunch for your children.
Size of family: ------

Number in family	1	2	3	4	5	6	7	8	9	10	11	12
Monthly income	$160	$210	$260	$310	$356	$401	$443	$485	$523	$560	$598	$635

The information given on this application is correct to the best of my knowledge.

I certify that my children are eligible for a free school lunch.

Name: ------
(Signature)

Address: ------

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APPENDIX C

ACORN,
Little Rock, Ark., September 10, 1970.

Mr. CLIFFORD HARDIN,
Secretary of Agriculture,
U.S. Department of Agriculture,
Washington, D.C.

DEAR SIR: Many low income people in Arkansas have expressed some concern at the vagueness of the new regulations of the Amendment to the National School Lunch Law. Members of the Arkansas Community Organizations for Reform Now (ACORN), an organization of low income people numbering over six hundred members, are particularly concerned with local school official's reaction to the new legislation. We feel that unless U.S.D.A. point blank expresses whether or not the money for reimbursement to the school districts will be available if they use U.S.D.A.'s income poverty guidelines in September, thousands of children will go needlessly hungry. This would be a frustration of the congressional intent that every needy child be fed.

I urge you to reply not only to my letter—as that would effect only the children of Arkansas, but to publically declare that money for federal reimbursement *will* be available to school districts if they use U.S.D.A.'s income poverty guidelines in September.

Miss Ruth Powell, the State School Lunch Director, has already urged school districts to use the new guidelines (enclosed is a copy of her letter), but many school boards have refused because they fear that federal reimbursement will not be forthcoming. Please help Miss Powell to reassure them.

Bread/Justice,

GARY DELGADO,
Assistant Director.

U.S. SENATE,
Select Committee on Nutrition and Human Needs,
Washington, D.C., September 16, 1970.

Mr. GARY DELGADO,
Children's Foundation Representative,
A.C.O.R.N.,
Little Rock, Ark.

DEAR MR. DELGADO: As you know I was a co-sponsor of the school lunch legislation that became Public Law 91-248.

Proper implementation of the provisions of this law is vital to the normal development of the impoverished of our nation and in fact is in the best interest of all Americans. Therefore, it is my solemn hope that school officials will enforce the poverty income guidelines of the school lunch program in an inclusive matter, in order to reach all eligible children as Congress intended.

Good luck with your efforts.

Sincerely,

GEORGE MCGOVERN,
Chairman.

Arkansas Community Organizations for Reform Now (ACORN),
Little Rock, Ark., September 21, 1970.

Mr. RICHARD LYNG,
Assistant Secretary,
Washington, D.C.

DEAR MR. LYNG: I've written a letter to Secretary Hardin (dated Sept. 10), requesting that he publicize the following:

(a) That school boards will be reimbursed at a rate not in excess of up to 100% or a maximum of sixty cents a meal, *and*

(b) *That the Federal Regulation, except for the income poverty guidelines, became the law of the land upon publication in the Federal Register.*

Thus far, I haven't even received a reply to my letter.

The Arkansas Community Organization for Reform Now (ACORN) prepared a fact sheet for school superintendents and newspaper publication in which we stated what the federal regulations were and how the North Little Rock School Board (and many school districts all over the country) is violating them. We even suggested that local reporters call you or Secretary Hardin at U.S.D.A. to verify the facts.

In a recent letter to Senator McGovern, dated August 7, 1970, you state that "To further delay the issuance of final regulations by public hearing and especially in view of the completeness of the written comments we are receiving on the proposed regulations would, in our view, be a disservice to children *who can benefit only after local implementation.*" Yet you did a disservice to that local implementation by refusing to admit to a reporter from the *Arkansas Democrat* (see enclosed article) that school districts could be reimbursed up to 100% the cost of the lunch up to sixty cents. In section 210.11 part (d) of the regulations *you* signed it states that "the total reimbursement for general cash—for food assistance funds and special cash assistance shall not exceed 60 cents (12 cents from general cash—for food assistance and 48 cents for special cash assistance) for each Type A lunch served free or at a reduced price to children meeting the school's approved eligibility standards for such lunches."

There is no excuse for the lack of public definition from U.S.D.A. Countless School Districts *all over the country* are refusing to adopt not only the new income—poverty guidelines but also all other parts of the Amendment and guidelines until January 1, 1971—and I suspect some of them may not comply even then.

I don't understand the reluctance of U.S.D.A. to intervene in local school district's or even State School Lunch Director's bad policies—when they are bad. There is no politics to letting children go hungry to avoid "political confrontations." HUNGRY CHILDREN IS A "POLITICAL" REALITY.

In North Carolina, Texas, Arkansas, Oklahoma, Kansas, and Missouri, just to name a few states that I'm familiar with in terms of the School Lunch Program, school districts are balking. U.S.D.A. is allowing them to balk by *not* declaring that the law (except for the income poverty guidelines) is in effect *now* and has been in effect in its present state since the New Regulations were published in the *Federal Register*.

Enclosed is a copy of your telephone interview with the reporter from the *Arkansas Democrat*, a copy of the article describing the administration of the School Lunch program in North Little Rock and a copy of a recent letter from Senator McGovern to me.

I realize that you probably aren't aware of the extent of the abuses of the school lunch law (right here, in Pulaski County, children are working for their lunch) but children all over the country could benefit greatly from a public declaration from U.S.D.A. Thank you very much.

Sincerely/In the Struggle,

GARY DELGADO,
Assistant Director, Children's Foundation Representative.

APPENDIX D

[Telegram]

Washington, D.C.

MR. GARY DELGADO,
Little Rock: Ark.:

In regard to your query on the recently published school lunch guidelines: Secs. 210 and 245, Federal Register, vol. 35, No. 173—I am pleased to inform you that they became effective and binding as of date of publication, Friday, September 4, 1970, with exception of mandatory income guidelines.

School district has until the end of October to submit policy statement on free and reduced priced lunches but in interim must operate under regulations.

GERALD CASSIDY,
General Counsel, Select Committee on Nutrition and Human Needs.

APPENDIX E

[From the Arkansas Democrat, Aug. 31, 1970]

SHORTER RESIDENTS ORGANIZE—GROUP APPLIES FOR FREE SCHOOL LUNCHES

(By Martin Kirby)

Eighteen residents of Shorter College Gardens, accompanied by several children and supporters, today presented application forms for free school lunches to North Little Rock School Supt. George E. Miller.

About 40 residents had attended a meeting earlier at the Sherman Park Recreation Center at which they formed the Shorter College Gardens Community Organization. They were organized by Wade Rethke and Gary Delgado and a committee of residents.

Entering the board room where the Shorter group was waiting, Miller obviously was irritated by the demonstration.

"You people have a spokesman?" Miller said.

"Why these forms may I ask?" Miller said "We have forms of our own."

Miller told the group that the school district gave 189,829 free lunches during the last school term.

Mrs. Barbara Howard, who resigned June 7 as a North Little Rock teacher said the question was did everyone who was entitled to them get them.

Miller said that prices of lunches for children who paid had to be increased to "to take up the slack" caused by school-lunch program had a $33,000 deficit last year.

Mrs. Howard said that she had turned in a "long list of names of children who were eligible," but she said not all of them received free lunches.

Assistant Supt. Doyle Crownover, asked, "Who turned them down?"

The woman said she did not know.

Crownover said the principals of schools were the final authorities on certification of eligibility for free lunches.

Delgado contradicted this and began to quote a federal law he said gave the parents the right to certify their own children.

"I don't care what the law says," Miller said.

Turning to reporters Delgado said: "You got that? He doesn't care what the law says."

Delgado repeated his contention that parents have the authority to certify their own childrens eligibility.

"As of the first of January, 1971," Miller and Crownover said in unision.

The Shorter Gardens residents gave Miller their forms and left. The visit lasted less than 15 minutes.

At a meeting prior to the visit to Miller's office, those in attendance formally joined the Shorter College Gardens Community Organization and most of them also joined the National Welfare Rights Organization.

They filled out forms prepared by Arkansas Community Organization for Reform Now (ACORN). The forms provided for the listing of all school-age children in a family, and the family income. The forms also contained a chart showing the minimum income as related to the number of persons in a family for which children could receive free lunches.

The organizers for ACORN and the Arkansas WRO, Rathke and Delgado, showed reporters a letter from Ruth Powell, director of school food services for the state Education Department, to superintendents operating school-lunch programs." The letter stated that ACORN's application forms were satisfactory for use in applying for free school lunches.

"Even though the regulations have not been finalized, this form would appear to be entirely consistent with congressional intent with respect both to statutory language and the regulations promulgated by the Department of Agriculture," the letter stated.

"The proposed self-certification form provides all information necessary under Section 9 of P.L. (Public Law) 91–248, and is intended to be conclusive proof of the child's eligibility for a free lunch," it continued.

"Although the law does not go into effect until Jan. 1, 1971, school districts are encouraged to use this self-certification form immediately and receive federal reimbursement," the letter stated.

Delgado said that although the law did not officially go into effect until Jan. 1, the money already had been appropriated and was available for use by the school districts.

The group issued a prepared statement which stated that the national School Lunch Act provides that school districts can be reimbursed up to 100 per cent of the price of a lunch, with 70 cents being the maximum price per meal allowed.

"The school district must provide the children of all parents who turn in a school-lunch certification form with a free school lunch, unless (sic) such time that the school district can prove by a fair hearing that the child is not eligible," the statement said.

According to the statement, all persons with incomes of less than $4,000 a year were eligible for free school lunches for their children.

Herman Davenport of Pine Bluff, a representative of a group called Food Action and Research, told the group that the ACORN firm was "arranged so the school officials don't have to pry into a family's personal business."

"When it comes to what you do on your Saturday nights and all, that's your business," Davenport said.

Inconsistency Cited

In a news release, the organization cited this alleged instance of inconsistency in the School District program of provding free or reduced price lunches:

"Mrs. Nina Aldridge of Silver City Community Organization is an example of the hit and miss attitude of the North Little Rock School District. She has four children in school at the present time. One child is receiving a free school lunch. Three are not. This represents a direct violation of Title 7, Sec. 2453 (a), Code of Federal Regulations.

"The child that is receiving a free lunch is forced to use special tokens to purchase the lunch, in direct violation of Title 7, Sec. 245.8, Code of Federal Regulations. Mrs. Sue Kirsey, who also lives in Silver City Courts, has a child attending the same school as Mrs. Aldridge's child.

"Mrs. Aldridge's child is receiving a free school lunch, Mrs. Kirsey's is not. Yesterday, Mrs. Aldridge's son got an application form for free school lunches,

Mrs. Kirsey's did not. Both families are on welfare. Certainly, with respect to congressional intent, at least families on welfare should qualify for a free school lunch, as well as all low income children in North Little Rock."

The Silver City group was the second to take a bus to Miller's office to discuss school lunches. The first, from Shorter College Gardens, met with him on August 27.

This week, a third group of residents, from the Eastgate and Hemlock Courts public housing projects, took a bus to the School District office to talk about the lunch policy. Miller accepted lunch applications from the group.

School officials said they had tried to get further information about the new school lunch law from the State Education Department and other sources without success.

Miller said that until the district heard something definite it would do the best it could.

DISTRICT VIOLATING LUNCH LAW, GROUP SAYS

This "fact sheet," prepared by Arkansas Community Organizations for Reform Now, was presented by National Welfare Rights Organization members to the School District last week:

"1. The amendments to the National School Lunch Law (P.L. 91-248), signed by the President May 14, 1970, provide a free or reduced price lunch to every low income child in the country.

"2. President Nixon has pledged that all low income children in the nation shall have a free or reduced price lunch by Thanksgiving, 1970.

"3. Miss Ruth Powell, State School Lunch Director, in a letter dated August 11, 1970, to all school districts in Arkansas, recommended set forth the new USDA minimum standards for school lunches and suggested schools begin to use these standards in September.

"4. These guidelines provide a free or reduced price lunch to every child from a family of four earning less than $3,720 a year.

"5. Miss Ruth Powell, in a letter dated August 20, 1970, to all school districts participating in the National School Lunch Program, recommended adoption of a self-certification form developed by ACORN and based on the minimum standards prescribed by the Secretary of Agriculture.

"6. The Agricultural Appropriations Act of 1971 (HR 17923) authorizes administration of the National School Lunch Program at a reimbursement rate in excess of the amount requested by the bill, thus assuring USDA that the program should be administered as if the appropriations bills had already passed.

"7. The federal regulations established a reimbursement rate to schools for free and reduced price lunches of up to 100 per cent of the cost of the lunch up to 60 per cent.

"8. The new regulations require that minimum eligibility standards be established in accordance with Title 7, Sec. 245, Code of Federal Regulations. Mandatory standards go into effect January 1, 1971. Interim standards must be submitted by October.

"9. Every school district must distribute to all parents of school children: (a) The eligibility standards; (b) How to make application; and (c) How to appeal a decision with regard to the application.

"10. The law specifically states that poor children, as a condition for receiving a free or reduced price lunch, cannot be made to: (a) Work for their meals; (b) Eat at a different time or at a separate place; (c) Eat a different meal; or (d) Use special tickets or tokens that are different from what other children use.

"North Little Rock has not:

"1. Established minimum standards of eligibility.

"2. Distributed the necessary information to parents.

"3. Set up an appeals procedure approved by the State.

"4. Distributed application forms to all parents.

"5. Acknowledged that the regulations are effective immediately and binding upon them by publication in the Federal Register.

"6. Treated low income children with dignity or respect.

"7. Tried to save the taxpayers of North Little Rock a cent by applying for the higher reimbursement rate now available.

In view of the new regulations to the National School Lunch Act there is no reason for a school district not to give a free school lunch to every low income

child other than the fact that the school district has deliberately and with malice decided not to comply with the law, even when faced by hungry children.

"Furthermore, money from Title I is presently being used for school lunches without exhausting available funds from the National School Lunch Act. These same funds should be used for school books, transportation, and clothing. This is clearly a violation of the intent of Congress and the regulations of the Title I program."

[From the Arkansas Democrat, Sept. 18, 1970]

SCHOOLS CAN USE LUNCH PLAN

School districts may participate now in the National School Lunch Program and receive reimbursement for free or reduced price lunches served to needy children, but the districts are not required to participate until Jan. 1, an assistant secretary of agriculture said today.

Richard E. Lyng of Washington, interviewed by telephone, said the bills authorizing reimbursement for free and reduced-price lunches have been approved by the House and Senate. However, he said, the Senate bill contains a provision for appropriating an additional $217 million for the school lunch program that is not included in the House bill.

Lyng said that until the two houses of Congress eliminate the differences between the two bills, the federal Agriculture Department is operating the school lunch program under a joint resolution authorizing early implementation of the program.

MOVED FAST

He said the USDA moved "as quickly as we possibly could to get our regulations out before school started so that schools that wanted to could go ahead (and participate in the program)."

"We have encouraged the states to go ahead and as quickly as possible to gear up on this," Lyng said. "Many states are going ahead on that basis."

Arkansas Community Organizations for Reform Now (ACORN, stated in a "fact sheet" issued today that the USDA regulations "establish a reimbursement rate to schools for free and reduced price lunches of up to 100 per cent of the cost of the lunch up to 60 cents."

"I don't think we pay that much," Lyng said, "I'm not sure of that.

ACORN also made public a memorandum to "superintendents operating school lunch programs" fom Mrs. Ruth Powell, director of school food services for the state Education Department.

The memorandum stated that "amendments to the National School Lunch Act" use family income levels as guidelines for determining eligibility and require that superintendents report to the state Education Department by Oct. 1, "the number of children in your school district who are eligible for free or reduced-price lunches along with the number receiving free or reduced-price lunches.

FAMILY INCOME

"Since most administrators like to begin the school year with the regulations which they expect to use throughout the school year, it is strongly recommended that this family size income level be used when school opens. This also insures lunch through the school year for all children."

The memorandum continued: "We cannot tell you at this time what the rate of reimbursement will be for the next school year; however all indications are that we will be able to pay a higher rate than that paid during the last school year."

[From the Arkansas Democrat, Sept. 18, 1970]

TEMPERS FLARE IN NEW PROTEST AT NLR OFFICE

(By Herb Wright)

Tempers flared and a fist fight almost broke out about noon today when members of Arkansas Community Organizations for Reform Now (ACORN) confronted officials at the administration officers of North Little Rock schools.

About 30 Negro mothers and some of their children arrived at the administration office in two chartered buses. The women were residents of Eastgate

Terrace and Hemlock Courts, two public housing projects. They were accompanied by Gary Delgado and Wade Rathke, ACORN representatives.

MET BY MILLER

The group filed in the administration board room where they were met by George Miller, North Little Rock school superintendent. Miller, proclaiming that he had "heard it all before," collected free school lunch application forms from the mothers. The forms were contained in small brown paper bags that had been inscribed with the words, "Feed Our Children."

Miller tried to dismiss the group with, "Thank you for coming," and left the room. Miller reappeared to tell them they could stay all day if they wanted to, but he didn't have time to listen to their arguments.

The women, at the urging of the ACORN representatives, next filed into the lobby of the building and demanded that an emergency meeting of the North Little Rock School Board be called.

NOTICE REQUIRED

They were told that they would have to give the board two weeks' written notice to be put on the agenda. The women, again at the prompting of the ACORN representatives, asked for a list of the school board members.

Miller was leaving to get the list when a Negro woman told him to hurry up and get the list "right now."

He wheeled around and told her:

"If you're going to order me around you'll have to get it with a court order."

* * * * * * *

The women restrained Delgado and Miller beckoned for him to "come on."

A few minutes later Delgado was invited to step outside and "settle this," by Doyle Crownover, assistant superintendent for administration. Crownover accused Delgado of calling him a liar at an earlier public meeting.

Delgado and Rathke argued that the school district is required by recently-passed federal legislation to provide all eligible children with free school lunches. The school officials replied that they do not yet have the funds, nor have they had directives from Washington to implement additional free lunch programs.

[From the Arkansas Democrat, Sept. 20, 1970]

EIGHTY RESIDENTS DEMAND FREE LUNCHES—THEY CHARGE NON-PAYING CHILDREN GET DIFFERENT TREATMENT

About 80 residents of the Granite Mountain, Highland Courts and East Little Rock areas rode three chartered buses to the Little Rock School District Offices at Markham and Izard Streets today to demand that federal guidelines for free lunches for their children to institute immediately.

In a meeting with Dr. Paul R. Fair, deputy superintendent, and Floyd Langston, assistant superintendent for business affairs—Mrs. Rosie Washington, chairman of the East End chapter of the Welfare Rights Organization, charged that poor children on the district's free lunch program were being treated differently from other children.

With Mrs. Washington as spokesmen for the group were Mrs. Barbara Hampton, chairman of the Granite Mountain WRO chapter, and Mrs. Rosetta Lewis, co-chairman of the Highland Courts chapter.

The residents were accompanied by Gary Delgado and Wade Rathke, organizers for the Arkansas Community Organizations for Reform Now. Delgado is also an organizer for the National Welfare Rights Organization, and both men have organized visits of other community residents to the North Little Rock School District Offices.

Delgado said the chartered buses were paid for by the Children's Foundation, which he said was a national foundation headquarters in Washington. The residents, mostly women, carried empty paper bags on which had been written "free lunch."

Mrs. Washington said the group had come "to see that all poor people are given free lunches . . . There are a lot of children in the same household, and only part of them are getting free lunches.

She also charged that many children in the Little Rock School district who are receiving free lunches are made to eat out of separate colored plates, given special tokens, and are made to stand in separate lines.

A white woman who refused to identify herself charged that this practice was going on at Horace Mann High School and Booker Junior High School.

Jethro Hill, principal at Booker Junior High School, and Edwin Hawkins, principal at Horace Mann High School, say children receiving free lunches are not distinguishable from those paying for their lunches.

When asked if those receiving free lunches used a different lunch token, stood in a separate line, used a different colored plate, or were singled out in any way, the principals answered with emphatic no's.

Hill explained that paying customers place orders for lunch tickets in the office during the morning. During the home room period, lunch tickets are passed out to both free and paying lunchroom customers. "No one can tell," said Hill.

At Mann, students pay for their lunches as they enter the cafeteria. Hawkins says the lunchroom supervisor knows who the students are getting free lunches and let them pass. A tabulation is kept in the lunch room on the number of free lunches served, and student's names are checked off as they enter.

"We try our best not to emphasize them," said Hawkins. He said the school had some problems last year with a Neighborhood Youth Corp worker, who would collar students receiving free lunches and ask "you got a ticket."

Fair told the residents that although legislation for a new free lunch program has been approved by Congress, allocations of funds have not been Education Department guidelines for administering the funds had not yet been received.

Jay Lipner, a Legal Aid Bureau attorney who also accompanied the group, acknowledged that money had not yet been made available but argued that the district would be reimbursed for the additional lunches, and therefore should begin the program immediately.

Fair replied "we have had experience with these kinds of bills before." He said the district had faced a "similar situation when it began its Neighborhood Youth Program.

"We can't do anything until the state tells us how much money we have," Fair said.

[From the Arkansas Gazette, Sept. 28, 1970]

AT LEAST A 2-WEEK WAIT ON LUNCH GUIDELINES EXPECTED, OFFICIALS TOLD

It will be at least two weeks before the release of federal guidelines for administering the new free school lunch program, North Little Rock school officials learned Thursday.

Andrew C. Power, assistant superintendent for education projects of the North Little Rock District, and Doyle Crownover, assistant superintendent for administration, learned this when they met with Miss Ruth Powell, state director for the school lunch program.

Power and Crownover wanted clarification of the administrative guidelines for the revised program, which goes into effect nationally January 1.

Miss Powell said that the United States Agriculture Department, which funds the program, was still working on the guidelines.

Interpretation of the existing guidelines has varied between school officials and at least four neighborhood citizens groups, who have visited the school administrative offices seeking immediate implementation of the expanded program.

BOARD WAITING FOR FUNDS, GUIDELINES

The School Board, on the advice of Superintendent George E. Miller, has declined to adopt the expanded school lunch program until it has the federal supplemental funds and guidelines. The residents have argued that the District would be reimbursed for expenditures if it adopted the program now instead of waiting until January 1, when the District will be required to adopt it.

Meanwhile, the District continues to offer the free lunch program under the old guidelines.

In an interview Friday, Miss Powell said that she could not "blame" school boards for not adopting the revised program without the new guidelines or the assurance of funds. Asked if the Districts would be reimbursed for the free lunches if they began now, she replied, "They will be reimbursed until the money runs out."

MISS POWELL MEETS WITH USDA OFFICIALS

Miss Powell met earlier in the week in Dallas with USDA officials from Washington.

The guidelines will explain administrative details, procedures to enroll children, an appeal procedure for the program have been approved by both the Senate and the House of Representatives, but a conference committee has yet to decide on the exact amount that will be released. Miss Powell said last year's program was not funded until January, but it also reimbursed schools back to the beginning of the school year.

She said the new guidelines were necessary because of the various interpretations of the law. She said the federal lawyers and the lawyers of poverty action groups apparently disagree on the law. Since the National School Lunch Program is audited by the Office of Inspector General, "we have to go by what their lawyers say," she said.

In North Little Rock, residents have been organized under the Arkansas Community Organizations for Reform Now (ACORN). ACORN's organizers, Gary Delgado and Wade Rathke have argued that the Board should begin the program immediately.

[From the Arkansas Gazette, Oct. 8, 1970]

NORTH LITTLE ROCK: LUNCHES WITHHELD SUIT CONTENDS

A suit was filed Wednesday in federal District Court contending that the North Little Rock School District is not providing free lunches to some poor children who are eligible for them under the School District's eligibility requirements.

The plaintiffs are the Arkansas Community Organization for Reform Now (ACORN) and the parents of eight school children. The suit was filed as a class action in behalf of all poor school children in the district.

The suit alleged that all eight children came from families whose income was low enough to qualify for free lunches under the School District guidelines. It said that seven had applied for free lunches but had been turned down and that the mother of the eighth had never been notified by the School District of the right to apply for free lunches.

Superintendent George Miller said he would investigate the complaints. "As far as I know we have been applying our regulations equitably," Miller said.

The suit alleged that the School District used different criteria to determine eligibility for junior and senior high school students, but Miller said the criteria was the same for them as for elementary students.

Miller is named as a defendant in the suit along with the School Board and Miss Josephine McGill, director of food services for the School District.

The parents who filed the suit are Mrs. Shirley Ann Martin, on behalf of four children attending Lincoln Elementary School; Mrs. Juanita Rainey, on behalf of a grandson, Danny Broyts, a student at Jefferson Davis Junior High School; Mrs. Mozella Rollins, on behalf of a son, Andrew Rollins, a student at North Little Rock High School; Mrs. Johnnie Mae Crudup, on behalf of a son, Larry Crudup, a student at Rose City Junior High School, and Mrs. Lessie Mae Everett, on behalf of a son, Anthony Swiney, a student at Lincoln Elementary School.

Mrs. Martin, Mrs. Rainey, Mrs. Rollins and Mrs. Crudup all alleged that their family incomes were low enough to meet the School District's eligibility requirements for the free lunch program. Eligibility varies according to the size of the family.

Mrs. Martin alleged that the School District had refused to provide free lunches for all four of her children. Mrs. Rainey, Mrs. Rollins and Mrs. Crudup said that the children, for whom they brought the suit had been denied free lunches, but that elementary school children in their families were receiving them.

Mrs. Everett alleged that her child was eligible, but said that she had never received any information from the school District about the free lunch program and had not applied. She said her only information about free lunches came from ACORN.

The plaintiffs asked the court to issue an injunction directing school officials to provide free lunches to all school children who qualify under the District's regulations.

1,424 FREE LUNCHES BEING PROVIDED

The School District is providing 1,424 free lunches out of an enrollement of 12,900.

The plaintiffs also asked the court to order the defendants to send notices about the free lunch program and application forms to the parents of all school children in the District.

Miller said this was being done this week in compliance with a new federal law that takes effect January 1. He said the law required school officials to send notices of the free lunch program and application forms to all parents and to accept the information the parents certify on the form about their income. Under the old law, school officials could investigate to determine if the parents had listed their correct income, Miller said.

The plaintiffs also asked that principals not be allowed to sit on the panels which hear appeals from denials of free lunch eligibility. The principals make the initial determination of eligibility, so it is unfair that they also sit on the panel which reviews the case, the plaintiffs alleged.

Miller said the School District was still waiting on guidelines from the federal Agriculture Department on implementing the new law. He said he didn't know what the guidelines would provide about who can sit on the appeal panels.

The appeals are now heard by a panel composed of the principal, the school social worker and the children's teachers, the suit said.

The plaintiffs are represented by Jay C. Lipner of the Pulaski County Legal Aid Bureau, Ronald F. Pollack of the Center on Social Welfare Policy and Law of New York, and Philip E. Kaplan, a Little Rock lawyer who handles many civil rights cases.

[From the Arkansas Gazette, Oct. 1970]

ADULTS SEEK MORE HELP FOR LUNCHES

PINE BLUFF.—Twenty-nine adults representing the Welfare Rights Organization met with officials of the Pine Bluff School District Friday morning to seek increased aid for the free lunch program.

Herman Davenport, a representative of WRO, said 50 petitions were being presented to the school administration to ask for additional aid under Title I federal funds. The protest was centered on requests for more specific additions to welfare clients children in the school lunch program.

The group arrived by chartered bus and met with school officials for 20 minutes. They left quietly. Dr. C. B. Garrison, superintendent of the Pine Bluff School District and Larnell Davis, a Negro administrator for Title I funds, met with the WRO representatives.

Garrison told the group that every hungry child was being fed under the free lunch program and urged that any request for investigation for further aid should be submitted in writing to school officials.

Davis told the group that Title I funds covered dental, medical aid and clothing, plus participation in the state's school luneh program and any request for help in these fields would be taken into consideration immediately. Davenport announced that a representative of the WRO would meet Tuesday night with the Pine Bluff School Board at the regularly scheduled meeting.

TO: School Board

Address:----------
Arkansas

School District:----------

School Board

DATE: ----------

I request that the School Board of the ---------- School District make complete use of the reimbursements available under the new amendments to the National School Lunch Law (P.L. 91-248, federal statute 42 U.S.C. 1758 and federal regulations. Title 7, Sec. 210.8 Code of Federal Regulations) which should

provide my children and all low income children in the district with free lunches.

I further request that the Title I–8910 funds *not* be spent on school lunches. My reasons for this request are the following:

1. Title I is a valuable though limited program. These funds could be better spent on needed books, clothing, and transportation for my children.

2. I feel that the free school lunches are an expense that can and should be met by the National School Lunch Act, not Title I.

3. Since the School District is now spending Title I funds for school lunches when there is another, more suitable, federal program *with recommended guidelines* for that specific purpose, our district runs the real danger of being cut off from Title I funding. A federal audit could find the district misusing federal funds.

Thank you for your consideration.

Name _____

Address _____

City or Town _____; Arkansas

Local Group:
Arkansas Community Organizations for Reform Now (ACORN)
Box 695
Little Rock, Arkansas 72203

Senator McGOVERN. Mr. Thoms?

Mr. THOMS. Thank you, Senator McGovern.

The testimony which follows may differ somewhat from that of previous speakers, in that I will speak about a community that has no school-lunch program.

I am an attorney employed by Rhode Island legal services. My reason for coming today is to describe the efforts made by a group of people in one community, the city of Central Falls, to establish a school-lunch program.

Over the course of 5 months earlier this year, the issue was focused upon and a great deal of effort was expended in organization and action to find a solution for the problem.

I believe the history of this campaign will demonstrate the interest in school lunches felt by significant numbers of people in a city with no program at all.

There will first be a brief description of the city itself, followed by an outline of the structure and operation of the school-lunch program throughout the State. Lastly I will try to portray specific efforts made this year to institute a program—efforts not yet successful, but definitely not abandoned.

Central Falls is one of 39 cities and towns in Rhode Island. It has 18,000 people, or 2 percent of the State's population. The city's population is 5,500 less than it was in 1950, although the State has grown by 150,000, to about 950,000. In the 1970 census the city was one of four to lose population since 1960.

Twelve percent of the population receives some form of public assistance. In July 1969, Central Falls had 4 percent of the State's AFDC caseload.

The city is just over 1 square-mile in size. Its land is fully developed. But the development is very old. Only 1.5 percent of the housing units were built after 1950.

Some brief 1960 census figures:

Owner-occupied dwellings are 25 percent. The State's average is 54 percent.

Housing units with central heat—35 percent. The State's average is 71 percent.

Medium family income—$4,875. The State's average is $5,590.

The number of families below $3,000 in family income—20 percent. The State's average is 16.7.

In 1968 there were 800 vacant apartments in the city; but a great percentage of these were in uninhabitable condition.

The major economic problem of the city is that governmental and educational costs have increased, while the tax base has not expanded and will not expand without imaginative and costly new ideas, which have not materialized.

The city made a request to the State government this year for a $200,000 loan. This kind of request was unheard of, but its uniqueness did not persuade governor Licht to grant it.

The following is a brief description of Central Fall's educational system:

There are seven public and six parochial schools. The total student population is 4,500, or 2.5 percent of all Rhode Island students. The pre-pupil expenditure in Central Falls is $402 for all schools. The State's average is $552.

The State government's educational reimbursement level is the maximum for the city. This is the only city in the State with the maximum level of reimbursement for general educational expenses for the entire city.

17 percent of persons over 25 have completed high school. The State's average is 35 percent.

There is no school-lunch program in the city, and no school has facilities for cooking or dining.

Here is a brief description of the State's organization of the school-lunch program. Perhaps Rhode Island is unique in that the State department of education is heavily involved in the school-lunch program. For most programs in the State, the cost and control of administrative and kitchen personnel, storing, processing, and transportation of the food are all in the hands of the State. These expenditures, plus student payments for lunches, make up the non-Federal share of the operation of the school-lunch program.

The State involvement provides consistency of quality, although not necessarily of policy. Statistically, in 29 communities there are only State-sponsored programs. In five communities there are only locally operated programs. And in four others there are both kinds of operations.

Every public high school in the State, except that of Central Falls, has a lunch program. Thirty-six of 38 junior-high schools have programs. 140 of 295 elementary schools serve lunches.

In 1968–69, the State-sponsored programs provided 65 percent of all lunches served in the State. Locally-operated programs provided the other 35 percent.

In the 1967–68 school year, 166 schools were in the State school-lunch program, providing 528,000 free or reduced-price lunches out of a total of 4,600,000 served.

In 1969–70, 189 schools participated in the State-sponsored program, and in these schools 1,660,000 free or reduced-price lunches out of 6,400,000 were served.

Thus, in 2 years there was a 300-percent increase in free and reduced-price lunches, while the total number of lunches served increased by 50 percent.

I will now describe, in abbreviated form, the events that took place in Central Falls in the effort to get a school-lunch program started.

Last fall, the present school committee was elected. One of the significant issues on which several school-board members ran was the initiation of a school-lunch program. Those persons who supported such a program were elected. That is where the battle began, for many people in Central Falls, mainly parents, requested the school committee for a commitment during the winter of 1969–70.

The Catholic Inter-City Center, of the Diocese of Providence, established a branch office in Central Falls. It was a project called HOPE, which focused on several issues facing poor persons in the city. The most important issue quickly became school lunches.

I will recount briefly the series of meetings that were held in the winter of this year.

On February 12, a small group met with the State school-lunch supervisor, Mrs. Maureen O'Connell, who expressed surprise that the high school that was supposedly being built in Central Falls had not yet gotten off the drawing board. This school will have school-lunch facilities, but its completion could be several years away. Mrs. O'Connell indicated that the state had been and still was very interested in seeing Central Falls have a program. She provided the people who came from Project HOPE with facts and figures and an outline of a lunch program.

On February 18, 100 parents met with other officials from the state school-lunch office. Again the program was described, and much interest was generated from the meeting.

On February 20, another small group went back to the State school-lunch office with more questions, and received more detailed information.

On the 24th of February, 100 parents met with the school committee and State school-lunch officials. The meeting produced much debate concerning the need for and cost of a program; parents were on both sides of the issue. The school committee was very reserved in expressing concrete views.

Essentially, the school-lunch issue was dodged by the committee. The members were reluctant to consider specific proposals.

During the next few weeks, a great deal of work was done by members of the rather large group interested in school lunches. Efforts were made to contact Senator Pell, who was interested and helpful. Senator Pastore was also kept informed.

Specific appropriation figures were brought to the school committee, which continually hedged on the proposals. On March 22d a meeting attended by 125 persons heard a progress report and discussed the question whether an application from the city to the State was an irrevocable commitment, which had been an issue with the committee. A clear consensus was that it would not be.

The State officials in the meantime took the position that it was not their affirmative duty to establish a program. There were three additional large meetings. On April 6th, at a crowded, spirited school committee meeting, Gerard Broussean, the chairman, reported

on the committee's effort to establish the cost of a program. The report stated that the city itself would have to contribute several thousands of dollars, which were not available, in order to start a program. The supporters of school lunches vigorously contested the committee's facts, assumptions, and conclusions, without success. A vote to table the school lunch question for this year passed unanimously.

On May 4, the school committee met, and considered new proposals briefly. Through the efforts of Senator Pell, the office of Economic Opportunity offered Central Falls $5,000 to start a breakfast program for the balance of the year. It was refused.

Another offer, based on OED proposals, of $20,000 to start a school-lunch program was also refused by the committee.

This was perhaps the first time in the history of the State that money without strings attached was completely rejected; the refusal was ironic in view of the clearly established interest and need.

At the end of the school year, an extraordinary and contested campaign had resulted in little concrete success aside from the intangible benefits of citizens having organized to confront the system. Several individuals and project hope staff people came to Rhode Island legal services in late May seeking a legal solution. Up to this point, we have negotiated with the School Lunch Office of the State Department of Education, and have reached an impasse. The Department will not take affirmative steps to establish a program in the only community in the State without one.

The legal issue at present is whether or not the State's involvement in virtually every other community compels it to take affirmative action in Central Falls, despite the reluctance of the financially overburdened city itself to apply for a program.

We are presently discussing with our clients the advisability of litigation in Federal Court. Whatever results from legal action, if it is taken, will not solve the greater problem of carefully ensuring that federal food programs are fairly administered and fully funded. It is to be hoped that this committee will continue to operate as a forum for continued strengthening of such programs.

Thank you for the opportunity to be here.

Senator McGovern. Thank you, Mr. Thoms.

Mr. Fuqua, have you observed that considerable confusion about the new school-lunch regulation among local officials as to when they think they are to go into effect?

Mr. Fuqua. Most of them that I have had contact with seem to think they don't have to go into effect until January.

Senator McGovern. That is a general impression, that January 1 is when they become applicable?

Mr. Fuqua. Yes.

Senator McGovern. In the school-lunch application form that I read to Miss Martin this morning, there was a question there, as you know, about a total weekly income of the family. And that was taken from one of the counties in your State.

Upon receipt of this information, what income scale is used to measure whether or not a family's child is eligible for a free or reduced-price lunch?

Mr. FUQUA. In this particular system where the application form came from, they do not use an income scale. I don't know how they determine it. That is our basic point of difference with them—how do you determine which children in this system you are going to provide a free or reduced-price lunch to?

Senator MCGOVERN. Do most of the local districts, so far as you know, use the $3,700-income scale established by USDA?

Mr. FUQUA. I believe most of them are generally using that scale at this point.

Senator MCGOVERN. Mrs. Hurley, I was wondering, in connection with the suggestion you made about really taking extreme action to the point of a citizen's arrest, were you aware of the story in the Modesto area that the two previous witnesses referred to, where a group of citizens actually filed suit against the school board in court to require that a free and reduced-price school-lunch program be operative? They not only filed suit, but they won the case. Were you aware of that?

Mrs. HURLEY. No, I wasn't aware of that. And that is a good thing to do.

But when young kids are hungry and you have to work for the court system, it takes a long time. And I am not willing to wait, and my children aren't. And a hell of a lot of other people are not willing to wait.

The people in America may be tired of hearing of the hunger issue, and ecology is the thing to get into. But I am not tired of it. And I have been hearing of it a long time.

My kids are hungry, and other kids are hungry. And as far as I can see, nothing has been done at the local level.

Senator MCGOVERN. Do you see any evidence that the USDA, the Department of Agriculture, is working with local school districts and trying to get these guidelines implemented?

Mrs. HURLEY. I have seen welfare rights groups in areas in Massachusetts be able to get something done. People by themselves, first of all no information is given out. The average person on welfare or low income or they are laid off because of the condition the economy is in right now, do not know they can get a free or reduced price lunch.

The information is not given out, it is held by a few people in turn let the people they select have those free lunches so the people don't know what to do. The only thing that can be done to get guidelines or to get the lunches given out is to have a group action and usually it is formed around a welfare rights group already formed in that area.

Then it is still hard. The city of Boston filed a law suit because of not being able to get guidelines or anything and we lost that lawsuit.

Senator MCGOVERN. How do the school officials themselves respond to you and other members of your community when you come in to try to make the kind of plea as you have before this committee. Do you get any kind of response?

Mr. HURLEY. All kinds of raises responses. Usually we go through the procedure where we try to play the game their way until it comes to the thing where we have 30 people going to a school board

meeting and say look we are going to talk about school lunches, these are the regulations, we are supposed to be getting them. Nine times out of 10 they will walk out or call the police or say something like the head of the department in Chelsea says, "when the welfare department starts teaching the children then we will start feeding them." They are just not willing to meet with us on these things.

They know the money is there and they know they are supposed to do it but in a lot of cases they just don't want to and they just don't care. It is just too much of a hassle to them.

Senator McGovern. Mr. Delgado, you testified about one case, as I recall, where the child in the family that was eligible for free lunches but other children in that same family were not. I am not quite clear how that could happen under the present regulations.

Could you elaborate on that a little more? It wasn't clear to me just exactly how you thought that situation had occurred.

Mr. Delgado. Actually it can't happen legally under the present regulations.

Senator McGovern. What was the rationalization for it?

Mr. Delgado. The school officials are required to hand out a form and eligibility standards and an appeals procedure at the beginning of every year. But in this particular case they hadn't been handed out, new children had entered into the school system and had not received the free lunch. That is just what happened. It is a situation in which one of this woman's children was receiving the lunch and three weren't because of that type of a progression.

Senator McGovern. It was very clearly in violation of the regulations. There is another point that you made that I was not quite clear on. What is the confusion that you referred to surrounding the regulations in regard to the timing in the school year when local officials are supposed to prepare and distribute applications, what was the point you were making there?

Mr. Delgado. In one section of the regulations, I think it is section 245.10 of the regulations, school districts are required to prepare, (1) eligibility requirements, (2) set up a fair hearing procedure, and (3) a school lunch form. They are required in that section to send that information out to the community and publicize it in newspapers at the beginning of every school year. But in another section of the regulations (245.12) they are actually not required to formulate those type of procedures until 2 months after the beginning of the school year. For instance, the regulations which were published in the Federal Register September 4 state that the school district has got to have that information ready to send to the State school lunch director 2 months after publication in the Federal Register, which is the end of October. Therefore in the time span between September and the end of October school districts argue, not very legitimately but they have argued that they aren't required to send out that information to the community until the end of October and this has happened.

Senator McGovern. The regulations are really ambiguous on that point?

Mr. Delgado. On that point, yes, very.

Senator McGovern. What do you see are the weaknesses in the appeal procedure that have been set up under the new law; where

is the burden of proof or eligibility; is it on the parent or the poor person who is trying to qualify his child or is it on the school board? What is your feeling about the appeals set up in the new law?

Mr. DELGADO. The legislation and according to what I have read on the legislative intent, especially in section 9, the burden of proof was clearly to be on the school district. But in practical application, if the school district refuses to set up an appeals procedure, the poor person is then forced to appeal to the school district. If the poor person appeals to the school district he takes that burden of the appeals off of the school district just by making the appeal himself, and also he appeals to the same people that refused him the lunch in the first place. So it is sort of a double jeopardy situation that a poor person is placed in.

Senator MCGOVERN. I would like to ask this question to each one of the three witnesses here. I think you can tell there is a growing amount of frustration on the part of the members of this committee about the difficulty that we have in getting these regulations functioning the way we intended. Now perhaps a lot of that fault belongs on the Congress, I don't know.

But in any event do you think there needs to be a continuing surveillance, perhaps field hearings from time to time by this or some other committee of the Congress where we go into the communities from time to time and turn the public spotlight on the actual operation of our school lunch program and maybe on the absence of those programs?

Does that kind of effort help or does it mean when we go in we get a little flurry and then it is forgotten after the committee moves on.

Mr. Fuqua, would you want to comment on that?

Mr. FUQUA. I think most assuredly that would be a step in the right direction. Congress proposes laws and regulations, provides funds, the intent is always good, I think, and then when it gets down on the local level you have people who try to circumvent those laws and regulations through some philosophical difference of their own, perhaps, or simply because they don't want to comply. I know before we made contact with the Children's Foundation this summer we had groped around in the dark for about 3 years trying to find out, you know, the workings of local school lunch policies; who did you appeal to; who did you go to; what did the law say. We didn't know anything, hardly, until we got their publication of the School Lunch Bag. I think every community certainly should have access to that publication because it is laid out step by step how you can possibly improve the local school lunch program in your community.

Senator MCGOVERN. I have the feeling, if it had not been the probing of this committee over the last year and a half, in the absence of that a lot of these programs would just be frozen, they would be inoperative entirely or at least limping along on a level where most of the people that we intended to assist would be entirely outside the scope of the program.

Miss Hurley.

Mrs. HURLEY. I think that short of threatening local school committee people with arrest, or other things, that a Senate committee

coming in and keeping them honest could be the only thing that could prevent what is happening, to keep it from continuing to happen.

Mr. DELGADO. I think I would preface my answer by saying the only support I got on any efforts in Arkansas has been from this committee through a letter from you, Senator McGovern, and a telegram from Mr. Cassidy. I think that it would be a really important thing to do in a lot of the country to keep school officials honest, as Mrs. Hurley said. I think it is a very important idea.

Mrs. HURLEY. Another thing that would be important is maybe a bill similar to the Massachusetts bill, 1504, forcing all schools to have a school lunch program. Because it is bad enough when they have one and have to go through hell just to get it but the ones that don't have a program and don't have school lunches, there is nowhere to go.

Senator MCGOVERN. Thank you very much, we appreciate your testimony, especially your willingness to come back this afternoon.

I want to thank each one of you.

The committee will be adjourned.

(Whereupon, at 3 p.m., the committee was adjourned.)

APPENDIX

ROCKINGHAM COUNTY DEPARTMENT OF SOCIAL SERVICES,
Reidsville, N.C., September 23, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As Director of the Rockingham County Department of Social Services (public welfare agency), I am concerned by the malfunctioning of the National School Lunch Program within the Eden City School System, Eden, North Carolina. I am enclosing copies of correspondence originating between my office, the office of the Superintendent of Eden City Schools, and the office of the North Carolina State Director of School Food Services for the purpose of stating what the problem is and the attitude of those concerned with the problem. Also, enclosed is a copy of the Eden City School *Lunch Policy and Application Form.*

This matter has been previously brought to the attention of Mr. Hubert D. Rorex, Director, Child Nutrition Division, United States Department of Agriculture by a staff member of the Children's Foundation.

We were heartened by President Nixon's promise of school lunches for all needy children by Thanksgiving 1970, as stated by his nutrition advisor, Doctor Jean Mayer. We know your commitment is no less. We urge you to study the policy, application form and other conditions applicable to the Eden City School System's lunch policy. If you find their policy not in compliance, we urge you to have the lunch program brought up to the standards set by the Congress and your department.

Sincerely yours,

GLENN D. FUQUA,
Director.

DEPARTMENT OF PUBLIC INSTRUCTION,
Raleigh, N.C., September 15, 1970.

MR. GLENN D. FUQUA,
Director of Social Services,
Rockingham County, Reidsville, N.C.

DEAR MR. FUQUA: Thanks for your letter of September 8, 1970, expressing your concern over the free and reduced priced lunch policy in the Eden City Schools.

The new requirements and regulations to carry out the provisions of the amendment to the National School Lunch Act Public Law 248-91 do not go into effect until January 1, 1971. All school units have been advised to continue to use their free and reduced price lunch policy that was inforced for the school year 1969-70 until further notice.

I am sure Mr. Hough will place the new guidelines in effect as soon as we provide these requirements.

Sincerely,

RALPH W. EATON,
State Director, School Food Services.

EDEN CITY SCHOOLS,
Eden, N.C., September 10, 1970.

MR. GLENN D. FUQUA,
Director, Rockingham County Department of Social Services,
Reidsville, N.C.

DEAR MR. FUQUA: We are handling our problems very much in the same manner as Raleigh and other systems are having to handle them. I seriously doubt

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that we have a single indigent who is not eating lunch in our schools. Thank you for the names you sent me.

Very truly yours,

JOHN HOUGH,
Superintendent.

SEPTEMBER 8, 1970.

MR. JOHN HOUGH,
Superintendent, Eden City Schools
Eden, N.C.

DEAR MR. HOUGH: Thank you for your letter of September 1. I regret, however, that none of the questions in my August 28 letter were answered. In view of this, I have directed a letter to Mr. Ralph Eaton requesting his assistance in answering these questions. If Mr. Eaton is unable to answer or respond, I shall initiate correspondence with the Honorable Clifford M. Hardin, Secretary, United States Department of Agriculture.

You will find enclosed a list of children who presently receive assistance through the Aid to Families with Dependent Children or foster care programs. Where possible we have identified the school and grade placement. During the week of September 21–25 we will contact these children to see if lunches are being provided. As for documentation these children are from families receiving public assistance and further evidence as to need and hardship should be waived. However, if you agree to provide these children with a free or reduced price lunch, we will assist their parents in completing your application form. At this point we, therefore, request a sufficient supply of these forms be sent to our agency for possible future use.

As to your letter, "in the administration of the welfare program in my unit do you allow welfare recipients any amount for school lunches?", the answer is "no". Present State and Federal policy prohibits the inclusion of funds for school lunches within a public assistance grant.

Whether or not we increase our client group population is immaterial. I repeat my earlier statement that the Rockingham County Department of Social Services has committed itself to insuring that every poor hungry school child is fed. To that end we will leave no stone unturned. The matter will not be dropped until we have assurance that welfare children will be fed a free or reduced price lunch.

Yours very truly,

GLENN D. FUQUA,
Director.

SEPTEMBER 8, 1970.

MR. RALPH W. EATON,
Director, School Food Service,
North Carolina Department of Public Instruction,
Cameron Village, Raleigh, N.C.

DEAR MR. EATON: On August 28, 1970 I wrote Mr. John Hough, Superintendent Eden City Schools, Eden, North Carolina concerning the policy applicable to the school lunch program. You were sent a copy of this letter, along with the policy and application form. On September 2, 1970, I received a reply from Mr. Hough which failed to answer any of the questions presented in my August 28 letter to him. I enclose a copy of his reply.

I respectfully request your opinion as to whether the Eden policy must state what income scale governs the determination of whether or not a family's child/children are entitled to a free or reduced price lunch.

If you are unable to provide this information, I shall seek advice from the Honorable Clifford M. Hardin, Secretary, United States Department of Agriculture. As a welfare administrator, I am sick and tired of poor children being denied access to free or reduced priced school lunches. Furthermore, I repeat my contention that the Eden School Lunch Policy is poorly written and that certain parts of the application form are degrading to any one who would have to complete it before their child received consideration for free or reduced price school lunch.

Yours very truly,

GLENN D. FUQUA,
Director.

EDEN CITY SCHOOLS,
Eden, N.C., September 1, 1970.

MR. GLENN FUQUA,
Director of Social Services,
Reidsville, N.C.

DEAR MR. FUQUA: Yours of August 28, which I received Saturday, exhibits a spirit that one would expect of a disgruntled employer to a dissatisfactory employee. It was very "wordy."

A comparison of the number of indigents of our unit with the others in the County is irrelevant as our district has less than 50% on a per capita basis of the number of indigents as any of the other units. The recommendations of principals and Mrs. Dunn for additional indigents to be given lunch without pay are immediately honored by the superintendent.

If you or the members of your staff know of any indigent in our system who is not being given a free lunch, I shall be happy for you to submit the names with documentation for immediate consideration. In the administration of the welfare program in my unit do you allow welfare recipients any amount for school lunches?

Mr. Fuqua, during these times competent and stable leadership are essential. If a public agency proposes to increase its clients, resulting in larger budgets, it should not resent those who may disagree.

Very truly yours,

JOHN HOUGH,
Superintendent.

AUGUST 28, 1970.

MR. JOHN HOUGH,
Eden City Schools
Eden, N.C.

DEAR MR. HOUGH: This will acknowledge receipt of the Eden School System's lunch policy. In reviewing the policy we find it extremely vague and confusing. According to our interpretation of current regulations, free lunches must be served to any child from a family whose income is less than the income for a family of the same size as indicated by:

The school district's family size income scale governing receipt of free lunches.

Question: What is the family income scale currently used for the Eden School system in determining what children receive free lunches?

Question: Are all school principals and other appropriate staff aware of the income scale, and is it applied uniformly?

In the matter of reduced price lunches, we understand that this type lunch must be served to any child from a family whose income is less than the income for a family of the same size as indicated by:

The school district's family size income scale governing receipt of reduced price lunches.

Question: What is the family income scale currently used by the Eden School system in determining what children receive reduced price lunches?

Question: Are the school principals and other appropriate staff aware of the income scale, and is it applied uniformly?

A second major point of ambiguity within your lunch policy is the statement, "when, after visitations, investigations, conferences by the principal and attendance counselor the eligibility is verified the application with recommendations is submitted to the superintendent for final approval."

Question: How long does the investigation of a request for free, or reduced price lunch take? Is the investigation process uniformly applied by all school principals within the system?

A third point is the irrelevance of certain questions contained on the application form. For example, question number I–7, "If you receive donations from the welfare department, how much of this do you pay for school lunches?

Question: What does that mean? As Director of the Department of Social Service (welfare), I personally do not understand that question.

Why is it necessary for the family to answer question number V on this application: "The following reliable references may be contacted concerning our character, our work and our financial status." Present regulations pertaining to the method of application requests merely a simple statement of family income, size and hardship factors.

A fourth point for consideration is the appeal procedure within your policy. Current regulation is that a rejected applicant for free or reduced price lunch may appeal to an official other than the original decision maker who rejected him. Your policy indicates that the applicant must go through the same procedure as the original application was processed. This appears to be a time consuming process and children could go without lunch for days before this process is completed.

We are aware that the new NSLA Amendments take effect as of January 1, 1971, and at that time schools must start using nationally uniform standards and policies for determining eligibility and for providing free and reduced price school meals. I have taken the liberty of sending your various sections of the new NSLA Amendments which we feel will be of tremendous benefit to poor children who need free or reduced price school lunches. Our department, and particularly those staff members who serve the Eden area, feel quite strongly that the present policy leaves a lot to be desired. I am sure other organizations in the Eden area feel the same way.

The Eden School policy in comparison with the Rockingham County School system policy and the Reidsville City School system policy is poorly written. Above all the policy appears to me to evade the commitment to feed poor children. As you know, the Congress made a commitment in 1946 to feed the school children as part of their education by passing the National School Lunch Act.

You will note that a copy of this letter, along with your policy and application form, have been forwarded to Mr. Ralph W. Eaton, Director, School Food Services, North Carolina State Department of Public Instruction. We welcome the opportunity to discuss this matter in detail with you and/or members of your staff. Our department is committed to the poor people of this county to insure that every child has a right to receive a lunch in school if his parents cannot afford to pay for it.

I welcome your comments and hope that you will be able to clear up those specific questions which I have raised in this letter.

Yours very truly,

GLENN D. FUQUA,
Director.

EDEN CITY SCHOOLS,
Eden, N.C., January 31, 1969.

Policy Statement of the Eden City School System in accordance with Revised USDA Regulations of the Child Nutrition Acts. The Eden City Board of Education adopts the attached policy regarding the determination of eligibility for free lunches, and safeguards to avoid discrimination between the paying and the non-paying children. The policy includes the following elements:

We provide a lunch for every eligible indigent without pay:

Application blanks are available from the principal. When the application is properly executed and submitted to the principal, he and the Attendance Counselor investigate the applicant for verification.

We want to know: The size of the family, number of children of school age, number working, welfare payments, any other income or related information. When, after visitations, investigations conferences by the principal and Attendance Counselor the eligibility is verified the application with recommendations is submitted to the Superintendent for final approval. After approval the name is added to the list and the indigent is given lunch without pay. When there is good evidence of indigency, the principal may, for a short period of time, permit the student to be served lunches without pay in advance of final approval.

No overt identification: Students grades 1–9 deliver monies for their lunches to the homeroom teacher in exchange for lunch tickets. From an approved list the homeroom teacher gives indigents tickets without cost. In the lunchroom, students receive lunches in exchange for lunch tickets as received from the teacher. Teachers deliver the money to the cafeteria manager daily without display, not to embarrass indigents. Lunches are identical, there is only one line and lunches are served to all children upon presentation of tickets to the manager. In the senior high school grades 10–12, the teacher sends the names of indigents to the cashier who, without any embarrassment, simply permits the student to pass through the line.

The manager keeps an accurate record of free lunches served and reports to the Superintendent's office once a month, giving the total number of free lunches served during the month.

Appeal: If an application for lunch without pay is rejected the applicant may appeal for consideration again in the same manner as the original application was processed.

By following these policies for two decades on a unit-wide basis the number of children eating in our lunchrooms has greatly increased, indigents have been fed, without embarrassment to the individual, and the cost has been kept to a minimum. Our policies are being submitted to the State Department of Public Instruction for approval, after which; they will be published.

The board of education understands the State Department of Public Instruction, School Food Service, has responsibility for monitoring the performance through administrative reviews, on-site evaluations, and other means to assure that determinations are being made in accordance with announced policies and to assure that overt identification of any child receiving free or reduced price meals is avoided.

Review, State Department of Public Instruction

Supervisor, SFS	Unit
Date	Superintendent Date
	Board Chairman Date

Note to parent or guardian: There is no such thing as a free lunch! *Someone must pay for every lunch served.* If you expect your application to be seriously considered, please fill in honestly and accurately every one of the following blanks:

We hereby submit application for lunches without pay for the following child:
Name of child _____ Age ____ Grade ____
Teacher _____ School _____

I. Our total income for the support of the entire family of ____ children and ____ adults is as follows:
1. Weekly salary of Father _____. 2. Weekly salary of Mother _____.
3. Monthly income from the County Welfare Department _____.
4. Other income _____. 5. Total weekly income from all sources _____.
6. When will the income of the family increase? _____. Decrease _____.
Why? _____
7. If you receive donations from the Welfare Department, how much of this do you pay for school lunches? _____.

II. Our reasons for making applications for free lunches are:
_____
_____

III. Does the family own a car? Yes ____ No ____ Make_____Model_____.

IV. What is your monthly house rent? _____ Have you paid for your school books? Yes __ No __ Other school fees? Yes __ No __

V. The following reliable references may be contacted concerning our character, our work, and our financial status. (If you are working be sure to give the name of your employer.)
1. _____ Address _____ Phone _____
2. _____ Address _____ Phone _____

We hereby certify that the above statements are accurate and correct the best of our knowledge.
Signed: Mrs. _____ Address _____ Phone _____
Parent or Guardian Date _____

Signed: Mr. _____ Address _____ Phone _____
Parent or Guardian Date _____

Witness _____ Address _____ Date _____
Recommended by: _____ Approved by: _____
Principal School Lunch Supervisor

Comments: _____
Date: _____ Date: _____

LEAKSVILLE TOWNSHIP PUBLIC SCHOOLS

REQUEST FOR LUNCH PERMIT
TO THE PRINCIPAL:

This is to request that you permit my child, _____ (Full name) who is ____ years old and enrolled in the _____ (Name of school) to come home for lunch every school day during the _____ school term. I understand that I take full responsibility for his or her safety after he or she leaves the school campus. I will also let you know in writing if and when I wish you to cancel this permit.

Signed: _____ (Name of student) _____ (Parent)

Permit issued by _____ (Name of Home Room Teacher)

Approved by _____ (Principal) Date _____

LEAKSVILLE TOWNSHIP PUBLIC SCHOOLS

REQUEST FOR LUNCH PERMIT
TO THE PRINCIPAL:

This is to request that you permit my child, _____ (Full name) who is ____ years old, and enrolled in the _____ (Name of school) to come home for lunch every school day during the _____ school term. I understand that I take full responsibility for his or her safety after he or she leaves the school campus. I will also let you know in writing if and when I wish to cancel this permit.

Signed: _____ (Name of student) _____ (Parent)

Permit issued by _____ (Name of Home Room Teacher)

Approved by _____ (Principal) Date _____

SEPTEMBER 9, 1970.

MR. GLENN D. FUQUA,
Rockingham County Department of Social Services,
Reidsville, N.C.

DEAR GLENN FUQUA: Our field representative, Robin Read, told me how helpful and interested you and your staff were in our mutual campaign to provide children from low income families with the free school lunches the law says they should receive. Robin showed me your letter concerning Eden cities school lunch policy and we were both impressed by your analysis (my own stuffy way of saying "Wow!"). The school officials are certainly going to have to revise their thinking (and policy making) radically in order to comply with the law, aren't they?

I'd be interested in Mr. Hough's response to your letter. Please do keep us informed.

To reinforce your position, I am enclosing a copy of the new federal regulation which were issued September 4. They spell out quite clearly what USDA thinks the law says anyway despite Eden school system's interpretation. I am also enclosing a prototype copy of an application for free and reduced price lunches which was developed during the state school lunch directors meeting with Department of Agriculture officials here in Washington in May.

One other thing which may be of interest to you is the National Welfare Rights Organization's Free School Lunch Campaign booklet which is actually a summary of our School Lunch Bag. We worked on this booklet with NWRO and perhaps additional copies of it might be of use to your staff people. Copies of the kit can be ordered either from us or from the National Welfare Rights Organization, 1419 H Street, N.W. Washington, D.C. 20005. They charge 25¢ a piece. Because NWRO tends to be somewhat suspicious of welfare departments you might mention that you have been working closely with us on school lunch program problems.

Incidentally, in case the Board of Education in your area is as confused as many are in North Carolina about finances and federal reimbursement I think that it is worth noting that starting September 1st schools will receive additional federal reimbursement for free lunches even though the appropriation bill is still in committee. States can expect to be reimbursed at an expanded rate from the beginning of the school year on. Congress has already told the administration to spend what it says it needs to meet the President's promise of free or reduced price lunches for all needy children by Thanksgiving, 1970.

One thing to watch out for would be a school board which out of reluctance to provide free lunches tries to get away with offering just reduced price lunches to needy children. Although under the old law, schools could get away with such malicious shenanigans, the new law and the legislative history both say that the neediest children will receive school lunch free.

I'm sure that Eden school system's application form was so off-putting that very few children ever received free lunches. Do you have any figures on how many lunches were served free or at a reduced rate? Also, do you know if the anonymity of children is being protected? Any documentation or examples of discrimination against needy children or identification of needy children as recipients of free lunches would be of interest to us.

Again, my thanks for your help and dedication.

Bread and justice!

BARBARA BODE,
Community Coordinator.

SEPTEMBER 1, 1970.

MR. HERBERT ROREX,
Child Nutrition Service,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. ROREX: I know you told Barbara Bode, the Foundation's Community Coordinator, that he was exaggerating the situation in communities across the nation.

I am enclosing an application form received today from Eden, North Carolina. I don't think Miss Bode was exaggerating. I think she understood the disgraceful and criminal treatment of needy children in the United States.

Sincerely,

JONATHAN KLEINBARD.

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., September 8, 1970.

MR. JONATHAN KLEINBARD,
The Children's Foundation,
Washington, D.C.

DEAR MR. KLEINBARD: I appreciate receiving your letter of September 1 and attachment thereto. I certainly agree with your observation about Barbara's understanding of the treatment of needy children in the Nation. The attachment is a prime example of such treatment, and I assure you such an instrument will not be in use in the Eden City Schools this year or any other school if we become aware (by any means) of its existence and use.

I must clarify my remarks to Barbara which you mention in the first paragraph of your letter. I did not mean Barbara was exaggerating the point, but that she was implicating large numbers of school boards by generalization and delaying us in corrective measures by such generalization. Eden City will be corrected as will any other board that is operating contrary to the law of the program regulation. Any other illustration she has in hand would be appreciated, and I assure you they will be corrected.

Sincerely,

HERBERT D. ROREX,
Director, Child Nutrition Division.

CNI SPECIAL REPORT

Community Nutrition Institute

CNI SPECIAL REPORT #1 WASHINGTON, D.C. OCTOBER 15, 1970

SENATE COMMITTEE INVESTIGATES INITIAL PROGRESS UNDER NEW SCHOOL LUNCH LAW

Sen. George McGovern called for a supplemental appropriation for school lunch programs "so that the intent of Congress to feed all needy children can be carried out by the school districts across the country."

His pledge was underscored by Sen. Philip A. Hart, who said that $310 million more would be required in additional funds, based on figures developed by Rep. Carl Perkins (D-Ky.) CNI carried the Perkins data in its Oct. 7 report.

"We have come a good part of the way on the school lunch problem, Mr. Chairman, and in the next few months, I would urge that our Committee concentrate on finishing this particular job. Let's make sure that we get the additional money in the Supplemental Appropriation bill; let's clear up any remaining barriers in the way of putting the food on the table," Sen. Hart said.

"The President has set this goal: At least one good meal a day for every needy child in the nation by Thanksgiving... Let's really celebrate Thanksgiving by helping the President achieve the goal."

Increase in Funds of 230% A "Must"

Senator McGovern, in his introductory remarks, observed that the new law promised a heavy impact in the fight to eliminate hunger and malnutrition from the classrooms of America. "But," he added, "the time has come to guarantee deliverance of the intent of that promise." He expressed concern that eligible children be located and adequate provisions made to feed them. He compared the estimate of 6.6 million eligible children by the Administration with the 8.9 million

(Continued from page 4)

WITNESSES

Rodney E. Leonard, editor, CNI Weekly Report, and consultant to the Children's Foundation.

Josephine Martin, Administrator, School Food Services, Georgia Department of Education.

Philip Neumark and Daniel H. Lowenstein, Attorneys, California Rural Legal Assistance, Modesto, Calif.

Gary Delgado, Arkansas Community Organization for Reform Now.

Mrs. Kay Hurley, Community Representative, South Boston, Mass.

Glenn D. Fuqua, Director, Dept. of Social Services, Rockingham County, N.C.

Peter Thoma, Rhode Island Legal Service.

States Caught in Dilemma They Didn't Make

Josephine Martin told the Committee that states are caught in a dilemma on child nutrition.

"On one hand they are told to implement the law in 1970-71, and on the other hand having money available only at the 1969 level."

She listed five policy questions, most of them shared by state and school district food service directors:

1. "What kind of leadership is needed to motivate school districts to provide comprehensive child nutrition and nutrition education programs for all children?"

(Continued on page 2)

(Continued from Page 1)

2. "How can the service and education aspects be coordinated at federal, state and local levels to avoid the dilutions of effort through fragmentation?"

3. "How can we be instrumental in helping USDA perceive the urgency of regulations, and procedures that are timely, succinct and reasonable?"

4. "How can we communicate to the Congress and the President the need for adequate, available funding if we (collectively) are to meet school day nutrition needs of children?"

5. "How can we utilize the resources of and cooperate with community groups to achieve program purposes?"

President's Goal May Not Be Possible

For the immediate school year, however, Miss Martin said that realization of the President's Thanksgiving goal would be difficult, if not impossible, if the following problems are not resolved:

* Providing information to school districts regarding free and reduced price lunch requirements.

* Direction regarding funding available for implementing PL 91-248.

* Restrictions, by regulation, limiting amount of funds paid per lunch.

* Inadequate non-food assistance funds.

* Need for financial assistance for child nutrition coordinator.

* Need for positive direction to coordinate nutrition services and nutrition education to provide necessary repetition and avoid undesirable overlap. Particularly, regulations must be issued to implement nutritional education provisions of PL 91-248.

Miss Martin noted that in the 23 area meetings being conducted in Georgia to help implement the new legislation, school administrators are asking whether funds will be available to implement new policies, and whether personnel can be provided to carry out the expanded programs.

"I would recommend the position of child nutrition coordinator for the implementation of PL 91-248, especially the provisions for free and reduced lunches, nutrition education, training and experimental programs and annual plans of operation.

"Unless help is provided and standards are established, the child nutrition program effectiveness will continue to vary from school to school depending on the interest of the principal."

Assurances of Funds Needed Now

She said the concern over funding is greater now than in September, and requires assurance and positive action from the USDA that funds will be available.

"Schools cannot provide free lunches that cost 45 to 50 cents when the reimbursement is less than 20 cents.

"Even more distressing," Miss Martin told the Senators, "we are now advised that the letters of credit for September through Oct. 15 will be based on the level of funds available for the same period in 1969; which will mean 30 to 40 percent less than anticipated under the 1971 Senate appropriations committee bill."

Advise Schools of Funding Intent

The Georgia school lunch director quoted a policy statement on funding made by Rep. Carl Perkins, chairman of the House Committee on Education and Labor. Perkins said last month:

"While the House and Senate (appropriation) reports have carefully provided for spending at a level to implement PL 91-248, there is nothing in the administration of the program either in guidelines or in recommendations which advise states of the position (that adequate funding is going to be provided). It seems to me that states and districts should be advised of Congressional intent to fund at the level of PL 91-248. We cannot allow Congressional intent to be thwarted by the failure of USDA to administer programs according to the wishes of the Congress."

Regs Block Feeding All Needy Children

Miss Martin also stated that USDA regulations, specifically those under Section 210, contain roadblocks which make it virtually impossible for states to insure that all needy children will be reached this year. Section 210.11(a) will dilute general cash for food assistance funds (Section 4) because it forces payment of a higher rate for children who are not needy. This will undercut the ability of a state to provide for the maximum number of needy children.

"Regulations need to be changed to permit states to pay up to 60 cents from a combination of funds with Section 4 funds being paid at the state average," Miss Martin said.

* * * *

Problems Stated: Recommendations Offered

"All evidence accumulating today indicate strongly that, instead of having passed through the worst part of the war on hunger, we are approaching a crisis of greater dimension than anyone can imagine."

So stated Rodney Leonard, who based his conclusion on the observations that: The School lunch program is not reaching enough children, especially those whose parents are poor, and those being reached are not necessarily receiving adequate nutrition. And, except for "the steadfast support of a few individuals" and the Committee's "resolute stance, concern over malnutrition and hunger is dissolving in public apathy."

Leonard quoted data developed by the McGovern committee as well as by the Perkins House Education and Labor Committee to show that the program, overall, is not expanding as might be expected from the weight of more federal dollars.

More Needy Children Than Estimated by USDA

According to Leonard, "state school food service directors reported for the Perkins study that 8.9 million children should receive a free or reduced price lunch, using eligibility standards which were in effect last school year." Mr. Perkins, noting that most states were using an income standard which is lower than the new income guidelines policy announced by Secretary Hardin in August, estimated that over 10 million children would be eligible for special assistance in the current school year.

"With funding at the present level now provided in the appropriation bill... the Federal Government will fall short of meeting its real obligations to the states and local school districts by... probably $200 million," Leonard estimated.

Local Discriminatory Practices Revealed

Referring to information summarized by the Public Information Center, Leonard stated "that children, and their families, who are eligible for special assistance are being denied a service to which they are legally entitled."

He recounted practices used by local school officials to keep down the number of children receiving special assistance - quota systems which place a limit on the number of free or reduced price lunches; publishing names of eligible families in newspapers, announcing over the loudspeaker the names of children who get free lunches, segregating children who receive free lunches, serving free lunches on different colored plates; withholding or threatening to withhold food as a disciplinary tool; withholding wages for farm work to pay for meals; and using application forms which are clearly illegal.

Nutritional Content of Lunch Questioned

An analysis two years ago by the USDA revealed that more than a third of the lunches did not meet the Type A nutritional requirements, Leonard said, which "raises a question of whether the Federal Government was being defrauded..."

In his closing remarks, Leonard, by inference, recommended:

* Develop a program budget related to the needs of local communities;
* Plan at the community and state level for child feeding five years hence;
* USDA should gather, analyze, publish and provide Congress with data similar to the McGovern and Perkins data on which to base funding;
* Develop a data base of the food preference of children. Menus are designed on the basis of what people think children like to eat, or should eat;
* Institute a research program to analyze and report at intervals on the nutritional quality of the food American citizens consume.

These are the type of activities, Leonard stated, which are "relevant to the politics of distribution... and that is the nature of the problem... some of us - this committee in particular- are recognizing. And that is the real tragedy. Just when we are beginning to understand the true dimension of the problem, the Congress and the country have begun to find hunger boring."

* * * * *

Lyng Comments on Leonard Testimony

Assistant Secretary of Agriculture Richard Lyng was quoted in The Washington Post of Oct. 14, as believing that "we're going to come very close" to feeding all poor children by Thanksgiving provided that state and local school officials cooperate fully. The Post article continued: "While acknowledging that the actual number of needy children still is not known, Lyng said 'it seems a little early for criticism, particularly from Leonard.'

"Lyng pointed out that appropriations for free school lunches have risen from $42 million in 1969, Leonard's last year as administrator, to $356 million this year.

"Lyng agreed with another point of Leonard's testimony--that many local school officials still illegally deny benefits to poor children or subject them to various kinds of discrimination..."

* * * * *

CNI WEEKLY REPORT

Rodney E. Leonard, Editor
Leslie J. Schmidt, Associate Editor

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(Continued from Page 1)

by the House Education and Labor Committee, and said that "under the new law 70.6% more children will be promised the right to a free or reduced price lunch" and asked, "What must we do to guarantee that right?"

The Chairman pointed out that a 230% increase in funds will be needed while only a 58% increase is being appropriated for fiscal 1971. He made it clear that he felt a supplemental appropriation will be required and that "we intend to supply this funding" so that the intent of Congress to feed all needy children can be carried out by the school districts across the country.

Sen. McGovern presided over the hearings on school lunch performance, which were attended by Senators Jacob K. Javits (R-N.Y.), Charles H. Percy (R-Ill.), Claiborne Pell (D-R.I.) and Philip A. Hart (D-Mich.)

* * * * *

Modesto Program Growing; Once Abandoned

Modesto public schools in California are serving nearly 1,900 children with free or reduced price lunches this school year, the Committee was told. The information is significant for a number of reasons, including these:

1. The number of lunches is four times as great as in the last school year, and over 10 times greater than in the 1968-69 school year.
2. The program represents an expansion of 250 percent in the amount of local school board funds made available for school food service.
3. Last May "experts predicted that any effort by Congress to enforce uniform and adequate free lunch standards would drive school boards across the country" to follow the example of Modesto and drop out of the school lunch program.

These were the points made by two attornies from the California Rural Legal Assistance program in testimony before the Committee. Daniel H. Lowenstein and Phillip Neumark are are the attornies who in February won a court action which forced the Modesto school board to provide free lunches to every needy child.

As a result of that decision, the Modesto schools dropped the National School Lunch program, an action which many persons suggested at the time would be the result of efforts to obtain greater compliance with program objectives.

The California attornies quoted a statement made by Dr. Bert C. Corona, superintendent of Modesto schools, that "The continuing financial participation by the state and Federal Government is absolutely essential to the maintaining of the (NSLP) in the Modesto City Schools," and adding that the Modesto experience "shows that school boards will willingly participate in a program that will feed every needy child, so long as Congress provides the necessary funds."

* * * * *

Confusion Over Regs Results in Hungry Children

An organizer for Arkansas Community Organizations for Reform Now (ACORN), a citizen group of low income families in Arkansas, described to the Senate the impact of confusion over school lunch policy on families with children in school.

Gary Delgado, the organizer who also is field representative for the Children's Foundation, said that school officials in Little Rock "have individually and in unison stated in private and to the press that the new regulations, in whole or in part, do not go into effect until Jan. 1, 1971."

He said this position was stated "despite constant rebuttal, including direct reference to the Federal Register, and a telegram from... the Senate Select Committee on Nutrition and Human Need."

Delgado said USDA should clarify:

1. Appeals procedure place the burden of responsibility on school officials, not parents.
2. Income poverty guidelines are floors, not ceilings.
3. Officials must comply with regulations even though the school lunch policy has not been approved by the state.
4. Specific standards must be set for both free and for reduced price lunches.
5. Reimbursement rates should allow for 100 percent of cost.

[From North Little Rock Times, Sept. 24, 1970]

SCHOOL LUNCHES: WELFARE RIGHTS GROUPS SEEK FREER POLICY; OFFICIALS REFUSE, CITE COSTS

Another delegation of National Welfare Rights Organization members made a fruitless bus trip last week to the School District administrative offices to urge immediate compliance with the new federal laws guaranteeing free or reduced-price lunches to pupils from poor families.

This time the delegation was from Silver City Courts, a public housing project at 708 West Eighteenth Street. The delegation consisted of eight women and 10 children.

Superintendent of Schools George E. Miller received them in the School Board chamber and, from his usual perch on the press table at the front of the room, told the group:

The district was not complying with the new law because it did not go into effect until January 1 and because the state Education Department has been unable to say what the rate of federal reimbursement would be to local school districts for free lunches.

The district served 189,000 free lunches last year and went $33,000 into the red with its cafeteria program, mainly because it receives no federal reimbursement for the free or reduced-price lunches it serves to secondary pupils.

Any parent who believes his children are eligible for such lunches should apply through the principal's office and their claim will be investigated by the principal and district social workers.

THEIR AIM

The NWRO members are interested in persuading the School District to begin compliance with the new laws now. A key feature of the laws is use of a self-certification form under which the head of any family who thinks he is eligible can sign up for a free or reduced-price lunch for his children. It is up to the local school district to prove ineligibility, and the applicant is given the right of appeal.

Along with self-certification is supposed to come a federal reimbursement rate of up to 60 cents a lunch—a rate that would pay the entire cost of virtually any school lunch.

It is this reimbursement rate that the North Little Rock district wants to be assured of before it enters the program.

The NWRO members say it is assured now, but the district says that the last word it had from the state Education Department was that the rate was still a matter of congressional debate.

Compliance with the new laws is not mandatory until January 1, the district says, so it is waiting to see what Congress does and in the meantime will follow its established policy on free or reduced-price lunches.

Miller told the delegation from Silver City Courts that the legislation it was interested in was still the subject of a House-Senate conference.

REFERS TO SHEET

Walt Rathke, a NWRO organizer who accompanied the delegation, referred Miller to a "fact sheet" the group had brought along. It said the Agricultural Appropriations Act of 1971 "authorizes administration of the National School Lunch Program at a reimbursement rate in excess of that requested by the bill, thus assuring (the Agriculture Department) that the program should be administered as if the appropriations bills had already passed."

Miller glanced at the fact sheet, shook his head and said: "I've dealt with the government a long time, and they've never gone back and paid for what's been done."

At one point there was this exchange over the question of availability of federal reimbursement for free or reduced price lunches under the new guidelines:

Rathke: "The money is THERE."
Miller: "The money is NOT there."
Rathke: "It's in the BILL."
Miller: "I don't care what's in the BILL—where is the MONEY."
Rathke: "It's there."
Miller: "Not in Arkansas, it isn't."

MILLER BRISTLES

Rathke insisted that except for the income guidelines that the new federal laws on administering the school lunch program are in force. He wondered whether the district needed any help in complying with them.

"Not from you, I don't," Miller snapped. "We are perfectly capable of running this School District without your help."

Miller also upbraided the delegation for showing up at his office without asking for an appointment.

"How did you know I wasn't in conference?" Miller asked. "You have no right to come in here and expect us to take care of your whims." Miller said that if an appointment had been made he could have had district officials familiar with the lunch program on hand to discuss it.

"Don't look at me, buddy," Rathke told Miller. "We asked your secretary if you were available, and she said you were."

Rathke asked Miller whether the delegation could discuss the school lunch program with the School Board at a special meeting.

Miller said there was "no possibility" of the board holding such a meeting and that the delegation could appear at the next regular School Board meeting on October 15 if it requested a place on the agenda two weeks ahead of time.

GROUP'S ALLEGATIONS

The group's fact sheet alleged that the School District was not complying with a number of provisions of the new school lunch law and that the district was costing the taxpayers money because it had not applied for the new higher rate of federal reimbursement for free or reduced price lunches.

"We comply with all laws," Miller said tartly, "federal laws, state laws, municipal laws and school district laws."

He told the group that what the group wanted would not save the taxpayers as a whole any money. "In fact, you're piling it on," Miller said.

Rathke said the reason some persons had not applied for free or reduced-price lunches in North Little Rock was that the district had not distributed application forms as required by the new federal law.

"I have found out this about human nature," Miller said, "if you distribute a form to everyone, then everyone is needy."

Rathke objected when Miller said the district would not accept the application forms being distributed by the NWRO to some low-income people here.

"We CAN use our own forms, and we WILL use our own forms," Miller said.

Nevertheless, Miller took the applications that members of the Silver City Community Organization had brought along, some in paper sacks carried by children.

[From the Washington Post, Oct. 14, 1970]

SENATE PANEL TOLD OF ABUSES IN SCHOOL LUNCH PROGRAM

(By Nick Kotz)

Officials disagreed sharply yesterday about whether several million poor children still will be denied free school lunches by Thanksgiving Day—the date by

which President Nixon has promised that all poor school children will be covered.

But there was agreement at a hearing before the Senate Select Committee on Nutrition that local school officials still engage in massive discrimination against poor children seeking free meals. Sen. Philip Hart (D-Mich.) termed the various abuses "a litany of horrors."

Rodney Leonard, a consultant for the Nutrition Foundation, said more than 10 million children are eligible for free or reduced price meals, rather than the 6.6 million estimated by the Nixon administration. He said budgeted funds will fall $100 million to $200 milon short of meeting "tragic needs." Leonard cited a study by the House Education and Labor Committee to support his estimate of needy children.

However, Richard Lyng, an Assistant Secretary of Agriculture, said later he believes "we're going to come very close" to feeding all poor children by Thanksgiving provided that state and local school officials cooperate fully.

While acknowledging that the actual number of needy children still is not known, Lyng said "it seems a little early for criticism, particularly from Leonard."

Leonard administered the food programs during the Johnson administration. Lyng pointed out that appropriations for free school lunches have risen from $42 million in 1969, Leonard's last year as administrator, to $356 million this year.

Lyng agreed with another point of Leonard's testimony—that many local school officials still illegally deny benefits to poor children or subject them to various kinds of discrimination. Among examples Leonard cited were:

Establishing a quota on the number of free lunches, a practice he said exists in Dallas and other cities.

Publishing the names of eligible families in newspapers, a practice in Cairo, Neb.

Announcing over the school loudspeaker the names of children who receive free lunches, a practice in Topeka.

Serving free lunches on differently colored plates, a practice welfare mothers say exists in Little Rock.

Withholding or threatening to withhold food, as a disciplinary measure.

Withholding wages earned by children in farm labor to pay for school lunches, a practice he cited from Chatham, Va.

Requiring children to work for their meals, thereby requiring them to miss classes.

All of these discriminatory practices are forbidden by the National School Lunch Act.

Mrs. Kay Hurley, a welfare mother from Boston, Mass., said she had been arrested for demonstrating against welfare inequities, and now believes citizen arrests should be made of school officials who are violating the School Lunch Act.

OREO, WHY DO TEACHERS SAY I'VE GOT A EMPTY HEAD?
BECAUSE YOU DON'T COME UP WITH THE CORRECT ANSWERS ENOUGH, PEE WEE!
BUT THAT'S NOT BECAUSE MY HEAD IS EMPTY...
... MY STOMACH IS!

WHAT HAPPENED TO YOU AT SCHOOL TODAY, PEE WEE?
I PAINTED!
AGAIN?! WHAT DID THEY DO THIS TIME? TAKE YOU BACK TO THE NURSE?
NO...
... THEY REMEMBERED ME FROM BEFORE...
... AND TOOK ME STRAIGHT TO THE LUNCHROOM!

(By Mike Feinsilber)

Washington (UPI).—Last December President Nixon said it was his administration's goal to make sure every needy child in America would have access to a free or cut-price school lunch by Thanksgiving, 1970.

Congress wrote that pledge into law. But with Thanksgiving just around the corner, the Senate Committee on Nutrition and Human needs was told Tuesday children still go to school hungry and come home hungry.

Sen. George S. McGovern, D.-S.D., said only half of 9 million eligible children are being fed. The country, he said, "is bored with hunger."

Witnesses before the committee said many school administrators are reluctant to carry out Congress' intent. Some are indifferent, they said, and some are hostile.

Rodney Leonard, an official of The Children's Foundation of Washington, D.C. said some schools use free lunches as a disciplinary tool. They give lunches to children who behave, he said, and take them away from children who don't.

Glenn D. Fuqua, Director of The Rockingham County Department of Social Services in Reidsville, N.C., said a paper barrier has been erected between the hungry child and the lunch that congress wants him to have. He said regulations of the Eden City School System in Eden, N.C. document this.

He quoted from the lunch policy statement of the Eden school systems.

"When, after visitations, investigations, conferences by the principal and attendance counselor the eligibility is verified, the application with recommendations is submitted to the superintendent for final approval."

A form which must be filled out by the child's parent or guardian declares: "There is no such thing as a free lunch! Someone must pay for every lunch served."

The application form solicits information—the family's income, its welfare payments, its "reason for making applications for free lunches," whether it owns a car and, if so, the make and model, how much rent is paid, whether the family has paid for school books, and two character references.

"This policy, said Fuqua, "is a mockery of the National School Lunch Program."

Another witness, Gary Delgado, a field representative for The Children's Foundation, presented a paper titled "Documented Abuses of the National School Lunch Act in Arkansas."

He quoted George Miller, school superintendent in the North Little Rock School District, as having said he had not distributed application forms because "I have found out this about human nature, if you distribute a form to everyone, then everyone is needy."

"But," said Delgado, "the reluctance of school officials to comply with the law is not confined to Arkansas, or even to the South." He said his organization heard complaints "from low income people all over the country."

"There is a yawning chasm," said McGovern, "between what we say we're going to do and our performance. People wonder whether congress can carry out its intention and whether people—from the president on down—mean what they say."

Sen. Charles M. Percy, R-Ill., said "We've put our finger on something that might almost be a scandal."

WEST VIRGINIA UNIVERSITY,
Morgantown, W. Va., October 21, 1970.

Senator GEORGE MCGOVERN,
Senate Select Committee on Nutrition, Washington, D.C.

DEAR SENATOR MCGOVERN: The enclosed correspondence relating to alleged discrimination against poor children in the administration of the School Lunch Program in West Virginia is being sent to you at the request of Robert L. Nolan, M.D., Professor and Chairman, Division of Public Health and Preventive Medicine, West Virginia University Medical School.

Last week the Washington Post carried an article by Nick Kotz making us aware of the hearings of the Senate Select Committee on Nutrition currently investigating abuses in the School Lunch Program. Our experience indicates there is a definite need for such hearings and for periodic surveillance of the school lunch programs at the county level by persons concerned with the welfare of

children who are neither part of the school system nor charged with the administration of the school lunch program. Such surveillance might well be carried out under the auspice of local or regional legal aid societies with the participation of citizens including substantial representation from parents of poor children.

Staff of the Division of Public Health and Preventive Medicine were made aware of a variety of alleged discriminatory practices by anguished low income parents who attended the West Virginia Food Nutrition and Health Conference held at W. Va. University last April.

Some of the alleged practices were similar to those cited by Mr. Kotz, others were more subtle and from the depth of feeling expressed, apparently were contributing to the alienation of tender young poor children and their families. As the Division's representative to the Nutrition Conference I came away feeling that this problem of discrimination against poor children in the schools may not be confined to the school lunch program and may well affect other aspects of the poor child's school experience.

It is hoped that the enclosed correspondence, observations and suggestions will support the efforts of the Senate Select Committee on Nutrition to bring to light and minimize discriminatory practices in the administration of the school lunch and other federally derived programs intended to benefit deprived children.

Sincerely yours,

LYDIA S. ASTON,
Public Health Adviser,
Division of Public Health and Preventive Medicine.

WEST VIRGINIA UNIVERSITY,
Morgantown, W. Va., March 30, 1970.

Hon. PAUL C. CAMILLETTI,
U.S. Attorney,
Federal Office Building,
Wheeling, W.Va.

DEAR MR. CAMILLETTI: This is in follow-up to our conversation last week in which I reported to you the claim made at the West Virginia Food, Nutrition and Health Conference that poor children are discriminated against in public schools in this county by requiring them to work for the lunches provided under the Federal Programs and also by providing different colored meal tickets to them.

As I indicated a member of my staff discussed this in a preliminary way with Dr. Lawrence G. Derthick, Jr., who impliedly defended the policy of requiring work under the aforementioned circumstances as desirable.

To the extent that poor children are discriminated against in the administration of Federal and local School Lunch Programs this could be a violation of any and all of the following:

1. The National School Lunch Act of 1946 as amended
2. The Civil Rights Acts
3. The Child Labor Laws

Enclosed is a copy of the article from the student newspaper at West Virginia University. The Daily Athenaeum for March 26, 1970. You will note in the second half of the article the allegation concerning discrimination in school lunches. In addition to the actual overt discrimination alleged, I wonder whether there has been any conspiracy by individuals who may be administering the program at various levels to deny children their civil rights or benefits under Federal Programs.

The interest of your office in this matter is very much appreciated. Please let me know if I can provide any additional information or assistance in exploring this problem.

With all best wishes.

Sincerely yours,

ROBERT L. NOLAN, M.D., J.D.
Professor and Chairman, Division of Public Health and Preventive Medicine.

MORGANTOWN, W. VA., *March 31, 1970.*

HON. PAUL C. CAMILLETTI,
U.S. Attorney,
Federal Office Building, Wheeling, W. Va.

DEAR MR. CAMILLETTI: As discussed in the student newspaper at West Virginia University, *The Daily Athenaeum* for March 27, 1970. I have been aware that children from low-income families have been required to "work" for the free-lunch program in the Monongalia County Schools.

I support Dr. Robert L. Nolan in any action that might be needed to rectify this situation.

Sincerely,

CLAIRE MAILLOUX, R.N., M.Ed.

MONONGALIA COUNTY SCHOOLS,
Morgantown, W. Va., March 31, 1970.

MRS. LYDIA ASTON,
40 Linden Street, WO,
Morgantown, W. Va.

DEAR MRS ASTON: I would like to acknowledge and thank you for the clippings from the Daily Athenaeum relative to the Food and Nutrition Conference recently held at West Virginia University. I also appreciated your call bringing to my attention some alleged violations of federal regulations relative to the provision for free hot lunches for needy children. I am sure there are two sides to this question. I do believe that in most of our schools the principals are attempting to stay within the regulations and take care of children who have real needs. There are some problems in that each school must stay in the black and some schools have greater needs than others.

I will bring this feedback to the attention of our principals at our next meeting on April 22.

Sincerely,yours,

LAWRENCE G. DERTHICK, Jr.,
Superintendent.

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., April 12, 1970.

DR. ROBERT L. NOLAN,
Professor, Medical Center, University of West Virginia,
Morgantown, W. Va.

DEAR DR. NOLAN: Thank you for your recent telephone call concerning the service of free lunches in Morgantown, West Virginia.

We have asked our New York Regional Office to check into this situation with the West Virginia State Director of School Lunch. We will write you again when we have received a report on the matter.

Sincerely,

HERBERT D. ROBEX,
Director, Child Nutrition Division.

APRIL 3, 1970.

MR. PAUL CAMILLETTI,
U.S. Attorney, Federal Courthouse,
Wheeling, W. Va.

DEAR MR. CAMILLETTI: There is currently considerable interest in Monongalia and Preston Counties in investigating the County School Hot Lunch Programs with regard to possible violations of Federal statutes and regulations. This is to indicate to you that the Legal Aid Society has been interested in this since several clients have complained about the situation.

On the basis of what I have been told, I believe that Federal regulations are being violated. This is not necessarily the official policy of the School Administration. However, due to each lunch program being run somewhat independently by each principal and the idea that the budget must balance, certain inequities are bound to occur.

The following are several examples of what has been reported to me personally. I am not attesting to the verity of each, but merely stating that this is what I was told.

EXAMPLE I

Family A—Mother, 5 children (all in school), $173/mo.—Welfare.
Child 1, 18 yrs.; University High School; no school lunch program; no lunch eaten.
Child 2, 15 yrs.; Jr. High; never applied for free lunch this year; worked for it last year, but got behind in classes; doesn't eat lunch.
Child 3, 14 yrs.; Grade School; get lunch without paying; carries garbage out in return; doesn't mind the work, but objects to doing it in view of other children.
Child 4, 13 yrs.; Same as Child 3.
Child 5, 8 yrs.; Grade School; gets free lunch without working.

EXAMPLE II

Family B—Two grade school girls, both work for lunches. One sweeps floors. One who is in the 4th or 5th grade has worked for lunches since 2nd grade. Girls are afraid to tell teacher they want free lunches without working for it. Also, girls stated that they work while other children eat and on a few occasions there was none of the prepared food left for them.

EXAMPLE III

Family C—Mother, Father, 6 children (4 in school), $183/mo.—Welfare
Child 1, 15 yrs.; Jr. High; parents generally buy it, but near end of month money is gone; mother has called Board of Education and the particular school, but received no action.
Child 2, 14 yrs.; Jr. High; supposed to be getting free lunch; arranged by Truant Officer; refuses to eat it since other three do not get free lunch.
Child 3, 13 yrs.; Grade School; no free lunch; generally a sack lunch is sent, but at end of month no food for it; on several occasions has been sent home when no lunch was brought; mother refuses to return child in afternoon when this happens, due to fears of traffic, etc.
Child 4, 9 yrs.; Same as Child 3.

EXAMPLE IV

Family D—Mother, Father, 7 children (5 in school) on Welfare and live in two-room house. Boy in Grade School had to work, but on advice of Legal Aid Society, he requested free lunch without working for it. Principal granted this. Eventually the other children of this family did the same. All now get free lunch without working.

In addition to these examples, reports of window washing, sweeping, etc. for lunches are prevalent. We are most willing to help in any way we can with this problem. So far we have merely attempted to handle this on an individual basis, hoping that the School Administration would take the initiative to remedy any inequities which exist and to this end we will provide our services to them in helping set up a non-discriminatory legal lunch program.

Sincerely,

LARRY V. STARCHER.

[From the Daily Athenaeum, Mar. 26, 1970]

WELFARE WORKERS, RECIPIENTS AND STATE AT ODDS

FIGHT FOR MORE MONEY TRAPS PEOPLE IN MIDDLE

(By David A. Milne, Assistant Managing Editor)

The West Virginia Hunger Conference ended yesterday, not with a bang, but with a growl.

The professional welfare workers and nutrition experts apparently recognized that the growls they heard throughout the three-day conference came from

hungry stomachs, not from embittered poor who wanted to know how to put the right nutrients into their diets.

The welfare hungry did not get any more food to eat, but they made it known to the professionals that they were hungry.

There were no immediate resolutions or recommendations, but as one welfare worker put it: "We organized the poor folks. This was the victory of the conference."

The organization she spoke of occurred Tuesday when two workshops were "taken over" by the poor people. They traded places with the professionals and told them about hunger from their point of view.

Yesterday's closing session was scheduled to be a follow-up workshop where all of the recommendations and resolutions proposed during the preceding sessions would be considered and final drafts passed with the approval of the conference as a whole.

But this did not happen. The recommendations and resolutions were drafted by professionals, and when they were presented, the poor people would not go along with many of them.

So once again they organized and after a lengthy session came up with their own list of resolutions and recommendations.

The conference appeared to be heading towards a stalemate, but leaders resolved the deadlock by appointing a 15-man committee composed of six professionals and nine welfare hungry to pick the best of both drafts and present them some time in the near future in the name of the entire conference.

James Childress, supervisor of the State Department of Welfare in Parkersburg was named chairman of the committee and Tony Sabo, a welfare recipient from Morgantown and head of the local Welfare Rights Organization, was named co-chairman.

The confrontation between the welfare hungry and the professional welfare workers and nutritionists at the state hunger conference which ended yesterday is indicative of the state of welfare in West Virginia.

Welfare workers and welfare recipients are constantly at odds over who is to get the benefits, how they are to be distributed, and how they are treated.

The Welfare Department is constantly asking the state for higher allocations to meet welfare demands and for stricter punitive measures to enforce welfare regulations.

The people are caught in the middle. It almost tears your heart out when you look at them. The welfare hungry. The thin drawn faces, swollen red eyes so deep with despair that you can't hold their gaze for more than a couple of seconds.

Their cast-off clothing is too tight or too baggy and their shoes don't fit. Their hair is often tangled and uncombed, but who can afford cosmetics when his stomach is empty?

They are slow to speak but quick to anger, especially when the welfare system is mentioned.

Openly they won't admit they're ashamed to be on welfare, and won't readily acknowledge the almost animal-like treatment they receive from more affluent members of the community.

Pride is easy to swallow when your kids don't have anything to eat.

But talk to them privately and they'll tell you of the angry frustration of living in squalor and of the bitterness they have towards the people who look down on them.

They'll tell you stories that sound like nightmares; describe living conditions that will make you sick to your stomach.

But there is no real note of despair in their voices. The welfare system offers them hope. It can feed them, clothe their children and retrain them for new jobs, providing they receive all they're entitled to.

This is the problem the welfare hungry have to face and this is what they had in mind when they made themselves heard at the state hunger conference.

The confrontation between the welfare hungry and the professionals was precipitated by three major events: The White House Conference on Food, Nutrition and Health; the national Head Start conference; and the attempts by West Virginia Gov. Arch Moore to channel funds earmarked for the Head Start program into his kindergarten plan.

All three instances resulted in major victories for the poor people. Their problems received national publicity, and corrective measures are being developed to solve the most urgent ones.

The TAKE-OVERS of two workshops at their state conference—though shoddily organized at times—appear to have been successful.

They shifted the priorities of the conference from the generalities to the issues.

They exposed discriminatory practices in the school feeding program such as making the welfare children work for their free lunches and giving them different colored meal tickets.

They asked why a person must wait 60 days before he can get his first welfare check, why a person's welfare benefits can be suspended without prior notice, and why the welfare offices don't trust them.

The welfare poor said people of the community thought they were dirty and condemned them for asking for help.

"How'd you feel if you're on welfare and working on the state road and you make $1 an hour while the guy next to you gets $3 for doing the same thing?" they ask.

They cited these figures for one welfare family of four which received a welfare grant of $138 a month.

$60 a month for rent.
$21 a month for gas.
$11 a month for electricity.
$16 a month for $106 in food stamps (29 cents per person per meal from food stamps).
$3 for water hauling.
$23.70 a month for lunch for three school children (no free lunch).

This family also has to buy clothes, shoes, toothpaste, soap, soap powders, bleach, school supplies, mops, brooms, razor blades and all the other staples a family needs to have a comfortable life.

The statistics are this grim for the other state families on welfare.

Spokesmen for the welfare hungry claimed at the conference that income, not ignorance, is the cause of hunger. "The poor are not any more ignorant about food nutrition than anyone else; they just have less money," they said.

These spokesmen charged that the food processing lobby is keeping the poor people hungry and that "they will continue to lobby for hunger in the United States unless we begin to act now."

"There are at least 1.3 million Americans with no income," they said, "yet free stamps are distributed in only two counties in the U.S.

The welfare workers have had their problems too.

One state welfare worker said recently he found it next to impossible to get the state to take any punitive measures against school systems which violated welfare regulations.

The official said that 35 per cent of the people in West Virginia are poor and indicated that state officials apparently don't recognize this.

He said a $4 million expenditure by the state could provide a daily hot lunch for every public school student in the state and charged that Gov. Moore would rather spend $22 on an ineffective kindergarten program.

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